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A
TRANSLATION
OF
THE EAST GOTHIC LAW
WITH EXPLANATORY NOTES,
PRESENTED
TO
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PETER AUGUST MATTSON, A.B. 13

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PREFACE.

In making this translation, the edition of Dr. C.J. Schlyter has been used. This edition, again, is based mainly on the only old complete manuscript of the East-Gothic-Law, which is extant, namely a parchment codex in the Royal Library at Stockholm, Sweden. This law was gathered during the Classical Old Swedish period, but it is not known by whom it was gathered. The language is Classical, but it is by no means an easy undertaking to make the old Gautar speak the classical English. The language is very pregnant and idiomatic and to translate the peculiar idioms of the law into good English, is quite difficult. In translating this law the following works have been consulted:-

- Atterbom, P.D.A., Svenska Siare och Skalder;
 Geijer, E.G., Svenska Folkets Historia;
 Gödecke, P.A., Eddan;
 Hildebrand, H., Sveriges Medeltid;
 Holmberg, A.E., Nordbon under Hednatiden;
 Kock, Axel, Undersökningar i Svensk Språkhistoria;
 Kock, Axel, Tydning af Gamla Svenska Ord;
 Kock, Axel, Bidrag till Svensk Etymologi, Förklaringar af Fornsvenska Lagord;
 Köbke, P., Om Runerne i Norden;
 Ljunggren, G., Svenska Vitterhetens Häfder;
 Ljungstedt, Dr Karl, Grunddragen till Modersmålets Historia;
 Montelius, O., Sveriges Historia;
 Schlyter, Dr C.J., Ordbok till Samlingen af Sveriges Gamla Lagar;
 Sunden, Dr D.A., Ordbok öfver Svenska Språket;
 Sunden, Dr D.A., Kort öfversigt af Svenska Vitterhetens Historia;
 Schyck och Warborg, Svensk Literatur Historia;
 Wiselgrens, Sveriges Sköna Literatur;
 Wimmer, L., Runerne.

IV.

INTRODUCTION.

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SWEDEN AND ITS PEOPLE.

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THE LAND.

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Sweden "the land of the midnight sun", forms the eastern portion of the Scandinavian peninsula and is situated between $55^{\circ} 20' 18''$ and $69^{\circ} 3' 31''$ N. latitude, and $11^{\circ} 6' 29''$ and $24^{\circ} 11'$ E. longitude. Its greatest length from north to south is 936 miles and its greatest breadth is 286 miles. It has an area of 170,713 square miles. Sweden is divided into three chief divisions. The southern part is called Götaland, the middle, Svealand, and the northern, Norrland. A portion of the northern part of Norrland is called Lapland.

As to its physical features, Sweden is partly a mountainous and partly a level country. The mountains are found mainly in the northern part and along the boundary line between Sweden and Norway. The central and eastern portions are somewhat of a mixture of hills and plains, but the southern part is mostly level. The granite hills, that are scattered over the greater part of the country, are generally covered with pine- or fir-trees and in some places with deciduous trees. Among these hills, beautiful lakes are quite frequently found, and land suitable for cultivation. When the number of lakes are taken into consideration, Sweden is surpassed by only one country in the world; this country is Finland, "the land of the thousand lakes". About 14,000 square miles of the area of Sweden are covered with water. Along the frontiers of Norway, Kölen forms the water-shed, whence numerous rivers, whose banks are fringed with spruce, fir, birch, alder, and willow, are descending into the Gulf of Bothnia. As to natural products, Sweden takes quite a prominent place among the countries of the world.

The greater part of Sweden is located north of the 60 of latitude. One would therefore expect a cold climate but its climate is milder than that of any other country having the same latitude. In the southern part of Sweden the climate is especially temperate.

For these reasons Sweden has been a desirable country for settlements and as peoples left their old homes in the east to seek new ones in the

distant west, Sweden was discovered, the immigrants took possession of the land, and established settlements.

THE PEOPLE.

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The Swedish people belong to the Indo-European family and the Teutonic branch of that family. This branch is generally divided in three divisions: High Germans, Low Germans, and Scandinavians. The Scandinavian division of the Teutonic branch is represented by the Swedes, the Norwegians, the Danes, and the Icelanders.

It is impossible to determine with any degree of certainty, when immigrants came to Sweden for the first time and settled within its borders. The oldest traces of man in Scandinavia are found in the kitchen-middens⁽¹⁾ (kjökkenmöddingarne). These are found in a great number in Denmark and along the shores of the Baltic Sea. Recent investigations in these mounds have thrown considerable light on the customs and manners of the early settlers of these countries. Some suppose, that people have lived in Sweden as early as three or four thousand years before Christ and this supposition may be correct.⁽²⁾ But if people did not live there as early as thousands of years before Christ, we are certain that the country was inhabited before our era. While Pytheas, a citizen of Marseille, visited Britain about 300 years before Christ, he heard reports of Ultima Thule, the "northernmost of all countries". It is said that he visited the country and described the land as occupied by settlers and told of their trade with other people.⁽³⁾ But Pytheas is not the only one, who described the northern countries, their people and customs. Some of the early historians, such as Tacitus and Jormandes, did not only describe the country as settled, but they described the customs and manners of the people, etc. It is true that their descriptions are somewhat vague and uncertain, but they prove, nevertheless, that the northern countries were known, at that early date, to the people of southern Europe.

(1) During the last decades these Kitchen-middens have aroused considerable interest. They consist of residues of the meals of the earliest inhabitants. Montelius, *Sveriges Historia*, P.II.

(2) Montelius, *Sveriges Hednatid*, p.10. Also Holmberg, *Nordbon under Hednatiden*, p.6.

(3) Montelius, *Inledning till Sveriges Historia*, p.5.

Opinions differ as to where the earliest immigrants came from, but it seems now to be quite generally accepted, that immigration took place from two directions: from the east over the Baltic Sea and from the south by way of Denmark. The Gautar, who came from the south and east, settled in southern Sweden. This part was therefore called Götaland. Noted authors hold, that immigration did not take place from the south, but over the Baltic Sea and Gotland, where settlements were first established. From the east, but further north than the Gautar, came the Swear. They settled in central Sweden and hence the name Svealand. Settling first along the coast lines of the Baltic Sea, they moved gradually inland and took possession of the country around the great lakes. The reason for settling in such places is obvious. The people in those days were depending for their sustenance, to a great extent, on fishing and hunting, and therefore they settled in ~~these~~ places, where they would have easy access to these means of support. Gradually the inland districts were settled.

There are three distinct periods of development in the early history of Sweden. These are the stone-age, the bronze-age, and the iron-age.

(5)

The first period is called the stone-age, because implements, ornaments, and weapons were then generally made of stone. Other materials were sometimes used, such as horn, bone, and wood. The people of the stone-age buried their dead in vaulted sepulchres. (gång-grifter), in which weapons, ornaments, etc., are still found. The mode of living, as well as the dwelling-places, were naturally primitive. How long this period lasted cannot be ascertained.

The next period of development is called the bronze-age, because weapons of warfare, implements, and ornaments were then made of bronze. A higher form of civilization existed. The relics from that period point to a nation with quite well developed industries, as agriculture, commerce, raising of cattle; communities governed according to established laws, a definite religious cultus, comparatively refined customs, and a considerably well developed sense for the beautiful. (6) The art of writing was not known during that epoch, if we by writing understand the ability of expressing thoughts in language by means of letters. Still they knew a certain form of writing. The ideas were expressed by certain symbolical

(4) Montelius, Sveriges Historia, p. 112; Holmberg, Nordbon under Hednatiden, p. 57.

(5) Montelius, Sveriges Historia, p. 8. Other authors, as for instance Holmberg, think that during the bronze-age the Celts came to Sweden and drove away the early inhabitants. During the iron-age a new set of people, the Teutonic, immigrated and drove away the Celts. This theory seems now to be antiquated. *ant of date.*

figures, which were inscribed on rocks, wood, and bark. Among these inscriptions we find figures of animals, ships, men, implement, etc. Most of these inscriptions have been found in Bohuslän, Östergötland, and in the southern parts of Skåne. A few have been found in the northern part of Angermanland and Jemtland.

The next period is called the iron-age, because iron was known and weapons and implements were made of this material. The use of iron in the countries around the Baltic was not known before the beginning of our era. This period extends from the beginning of the Christian era till about 1000 A.D. According to some authors this period has been divided into three epochs. The first epoch extends from the beginning of our era to 450; the second period 450 to 700; the third from 700 to 1000. It may of course be said, that the iron-age in a certain sense is still continuing. Among the relics from this period, iron, glass, silver, and coins are found in the northern countries for the first time. The conditions for a still greater development than during the previous period had come, and the advancement along the industrial, social, and political lines were quite marked during this epoch. The runes were introduced during the earlier part of the iron-age.⁽⁷⁾

THE RELIGION.

The religion of the earlier Swedes is styled by Christian authors the old religion; Christianity, the new. The ideas and principles of the old religion is presented in the old Edda-songs. In these songs, the term Asa-lära (doctrine of Asarne) is used. The early Swedes believed in many gods, the most prominent of whom was Odin, the father of all (Allfader). These gods are considered to have been personified forces of nature, such as lightning, wind, light, water etc. They also believed in the great God, whose name no one dared to mention. The gods were worshipped by means of sacrifices and promises. The latter took the place of prayers.⁽⁸⁾ The animals used in sacrifices were horses, rams, dogs, and oxen. Sometimes human beings were sacrificed.

(6) Holmberg, Nordbon under Hednatiden, P. 26.

(7) It is a question whether the runes were introduced by immigrating Gautar and Swear, or whether the runes were invented in Sweden. Either theory is possible.

(8) Holmberg, Nordbon under Hednatiden, p. 606.

The exposing of children was practiced in Sweden. The father had the privilege of either accepting or rejecting the new born child. If he rejected it, it was carried out and exposed. In case he decided to let it live, then he received it in his arms, water was poured over it and it received a name. Concubinage was also practised to some extent generally with slaves. Children, ^{whose} ~~where the~~ father was a free man, became free also, but had no right to inherit.

For centuries the northern vikings had been a source of terror to foreign peoples, because of the viking expeditions. During these expeditions they landed on foreign coasts and plundered its inhabitants.

With a view of ameliorating the customs and manners of the northern vikings, the people of central and southern Europe determined to bring them the Gospel, and for this purpose sent missionaries to them. The most prominent of these missionaries was Ansgar, the apostle of the North. Ansgar was born in Picardie, France, 801, and was educated in the Corbey cloister. Twenty-six years old, he went with a monk by the name of Vitmar to Sweden and arrived at Birka on the Mälar in 829. At this place a king by the name of Björn reigned. This king received him kindly and gave him permission to preach the new doctrine. A prominent man at Birka, by the name Hergeir, accepted the doctrine, preached by Ansgar, and was baptized, and a church, the first one in Sweden, was built on his land. Having made a good beginning in the establishment of the Christian doctrine, Ansgar returned home for the purpose of getting more missionaries for the new field. But the vikings made it almost impossible to do anything for the mission. In spite of many oppositions, Ansgar determined to go to Sweden a second time. He came there in 848. The fruits of his former labors were almost gone, but with new zeal and hope he began his work again with the result that the mission became quite well established at Birka. The church now grew in strength from year to year. Ansgar returned home again after a short stay, but continued to care for the mission field in Sweden during the rest of his life, ^{and} ~~when he~~ served as archbishop of Hamburg. He died in 865.

Some of the ~~other~~ most prominent missionaries to Sweden were Sigfrid, who labored in Westergötland and Småland, Askil and Botvid, who preached the gospel in Westmanland, and Stephen, who labored in Norrland. In the eleventh century a long and destructive war broke out between Götar and Swear.

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The former were to some extent Christianized, while the latter were heathens. This war raged about one hundred years in a manner that was very detrimental to the cause of the Christian religion. At last peace was concluded and then the new religion could more easily advance and become a power for good.

With Christianity came many factors that tended to exert an elevating influence among the people. The influence on the home was especially noted. The standard of the family life was raised and as a consequence of this, exposing children ~~was done away with~~ ^{ceased}, and other heathen practices were abolished. Towards the latter part of the Middle Ages, there arose some prominent personages, whose labors had a lasting influence. Some of these had been trained in foreign Universities; others at home. One of the most prominent persons during the 14th century was St. Birgitta. She was born about 1303. Eleven years old, she became motherless and her bringing up was entrusted to a relative. When she was thirteen years old, she was married to Ulf Gudmarson. At an early date she became a widow. Religiously inclined from her childhood, she became more so after the death of her husband. She prayed and fasted, undertook pilgrimages to Rome and Palestine, and was very liberal in distributing her means to the poor. She also claimed to have revelations. She has written several works, the most important of which is her *Uppenbarelser* (Revelations). Through her instrumentality the Five Books of Moses were translated into Swedish by her father-confessor Mathias, a priest of Linköping. She also wrote *Sermo Angelicus* and Rules for the Order of St. Birgitta. She died in 1373. Her religious and literary influence were of considerable importance.

The Christian influence became quite manifest during this period, not only through the preaching in the churches, but also through the cloisters and schools. The cloisters in Sweden were quite numerous and their influence was of considerable importance along literary as well as religious lines.

THE LITERARY DEVELOPEMENT.

The people of the stone-age did not know the art of writing, but during the bronze-age a certain form of writing was known which was called *hällristningar* (rock-inscriptions). *The iron-age brought the runes*, and they were used throughout the Northern countries of Europe. There are two kinds of runes: The Germanic and the Northern. The territory of the Germanic runes was Southern and Central Germany, a part of France, Holland, Belgium and England. The Northern runes were used in

Sweden, Norway, Denmark, the islands of the Baltic, Southern part of Finland and the Northern part of Germany. The Northern alphabet has 16 runes; the Germanic 24.

The Runic period is then the first epoch in the literary development of the Swedish people. This epoch began with the Christian era and lasted until about 1225.

Opinions differ as to the way in which the runic alphabet was obtained by the Swedish people. Some authors hold that the runes were introduced by immigrating peoples during the first part of the iron-age; others think that the Swedes themselves invented them. Quite a number of prominent writers believe that the runes were formed by the Gautar from the Roman alphabet, and if the two alphabets are compared, quite a number of resemblances will be observed.

As the Latin alphabet was introduced and came entirely into use, ~~in the course of time~~, the knowledge of the runes was forgotten and the runic literature became, in a certain sense, lost. But by means of inscriptions on Vadstena-bracteate, the Charney-buckle, and the Thames-knife it became possible to decipher the runic alphabet and thus a key has been found to the old runic literature of the North. The early literary productions of the Swedish language are naturally very few. The greater parts have no doubt been lost. In all probability most of the runic inscriptions were made on wood and bark etc., and such materials have perished during the course of time. To inscribe runes on stone and iron was a slow work and such material would be an obstacle for the advancement of the runic literature. There are also other reasons why the literary productions from those early days are not so many. The way of inscribing the runes differed somewhat in different localities and each inscriber had a peculiar mode of his own.

The knowledge of the runes was, to begin with, necessarily quite limited, ⁽⁹⁾ but soon their use became quite common, so that not only the priests but also the people in general knew how to use the runes. They inscribed the runes on staffs, bark, skins, or stones. The inscriptions on the stones were mostly short sentences, describing the death of a fallen hero, some noted event, or a hardfought battle. About one hundred of the old runic stones have thus far been discovered. The alphabet used in those inscriptions is the Twenty-four character alphabet. Runes of the same kind have been found in England and Germany and they are therefore

sometimes called Anglo-Saxon runes. Of the stones that have thus far been found, nine-tenths belong to Swealand. About one-half of these have been discovered in the province of Upland. The number of inscriptions thus far, number about 2000, and new ones are being added now and then. No other country in the world can show such a great number of rune-inscriptions as Sweden. Most of these date from the tenth century. Inscriptions were, of course, made later, but they are comparatively few. The golden age of the runic inscription is generally considered to be the ninth century. The oldest relics of the Swedish language are found on these stones. The most important of them is Rökstenen, which was found in Östergötland. The inscription is perhaps from the ninth century and contains 750 runes.

The period from about the year 800 to the thirteenth century is a very important epoch in the history of the Swedish people. It is the viking era. In the beginning of this period numerous viking expeditions went out from the Northern countries. A group of these vikings went east and established a kingdom in Russia; another group went southward and settled in the northern part of France and gave their name to one of its provinces. The Swedish people thus came in contact with foreign nations and it is evident that such expeditions must have had a strong influence on their language. It was so to speak torn to pieces. New words were introduced, new inflections made. One can observe these things from the inscriptions, as well as from words in foreign languages, and thus form an idea as to the form of the language during this epoch.

THE CLASSICAL AGE OF THE SWEDISH LANGUAGE.

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The thirteenth century is a very important period in the history of the Swedish literature. It is the age of the Classical Old Swedish. The old religion had passed away, as to its form at least, and the new had taken its place. The viking expeditions had ceased; the crusades had begun. These were undertaken to Finland for the purpose of bringing Christianity to the

(9) There are historical evidences to the effect that the knowledge of the runes was quite general during the tenth and the eleventh centuries. See Skallagrimsons Saga.

Finns. The old feuds between the Swear and Gautar had also ceased. A new era began. This was also a period of political supremacy. The man who laid the foundation of this important epoch in the political history of Sweden was Birger Jarl. The house of Folkungarne now began to rule, and this House ruled from 1250 to 1389.

When King Erik Erikson died, the House of Erik terminated by his death and the crown was transferred to another House. Birger Jarl, who hailed from the House of Folkungarne, now took charge of the government. He was a powerful ruler and reigned during the non-age of his son. He encouraged trade and industries, Stockholm, which he surrounded with walls, became the greatest stronghold of the land. Birger Jarl was especially noted on account of the new laws which he enacted. Up to this time women could inherit only when there was no male heir, but now the Jarl enacted a law, that sister should inherit half as much as brother. He furthermore established the so-called peace-laws. These laws provided that a person had a right to protection at home, also when he went to or from church and the thing. He furthermore provided, that woman should have right to personal security (qvinno-frid). These laws fixed severe punishments for the one who molested anyone in his home or on his way to church or the thing, or took himself a wife by force. Because of these laws as well as other works of reform, Birger Jarl was highly thought of and appreciated by his people. This was especially manifested when he died 1266, very much lamented by his people. After his father's death, Valdemar became king, and ruled until 1275. His brothers, Magnus, Erik, and Bengt, had each a province to rule over. Valdemar was a very weak man; Magnus shrewd and powerful. Jealousy arose between the brothers and a war broke out. Valdemar was captured and forced to abdicate in favor of his brother Magnus. He ruled from 1275 to 1296. Magnus was a wise and able king, enforcing his father's laws with a mighty hand. The freeholders esteemed him very highly and styled him Magnus Ladulås (garner-lock). The ross-service was introduced. This implied that a certain number should be ready at any time, to participate in war, mounted on horses. Those who partook in such service were exempt from taxation, and were called noblemen or free-men. Knighthood was also introduced. At his death Magnus left three sons, and Torgil Knutson became ruler during the non-age. These sons were Birger, Erik, and Waldemar. The first became king and ruled from 1290 to 1318.

Again enmity and strife arose in the royal family. Birger was a very weak man, but as long as Torgils Knutson stood by him, everything went along fairly well, but when he died, the most shameful feuds arose between the king and the dukes. These feuds form the darkest pages in the history of Sweden. The lawlessness that prevailed, made it necessary to suppress it by enacting proper laws. Old laws were gathered and new enacted. This period is especially noted on account of the law literature and is a golden age in the history of literature. The first real literature of Sweden is, in fact, law literature. Each province had its laws, which were ~~gathered together~~ ^{collected} about the time when the various provinces were united into one kingdom. If the laws had not been gathered then, they might have been lost forever.

A very important work, dating from this period, is "On the Conduct of Kings and Princes" (Um Styrilse Kununga ok Höfpingia). This is a valuable literary monument and of great value. It is a handbook of moral and political teachings, presented in a very clear and vigorous language. It dates from the first half of the thirteenth century; the conjectural date being 1225. It is generally conceded that the moral teaching in this ~~writing~~ ^{book} can compare with Havamal, Syrac, and Solomon. Besides this work, we might just refer to the folk-songs (folkvisor). They date from this time and are of several kinds. 1. Mythical. 2. Songs of the Kings. 3. Legendary. 4. Historical. 5. Heroic. This is mainly the kinds of literature from the later part of the Middle Ages.

But the laws demand special attention in this connection, and hence we return to them. To begin with, these must have been short sentences in poetic form, setting forth some declaration in matters pertaining to law, or some prohibition along the same lines. These short sentences or law-paragraphs were orally transmitted from man to man. They were then from time to time enlarged upon. In heathen times there are two groups of such law-paragraphs, namely the Lums law and Biger Spas "flockar". These groups represented the two peoples, Svear and Gautar. As to the contents these groups are mainly the same. The common laws or the laws of the various provinces are as follows: 1. Westgötalagen, in all probability from the beginning of the 12th century, but in manuscript from the last part of the 12th century, by law-man Eskil, who gathered many of the laws. The later Westgötalagen is from the 13th century, and is only a revised edition of the old one.

2. Östgötalagen, is of somewhat later date than Westgötalagen. It is supposed to have been written about 1285-1295. The author is not known. Some think that a clergyman has edited and revised the law. The style is more polished and reasoning than the previous law and would therefore require a higher education than Westgötalagen.

3. Upplandslagen is also one of the older laws. It is perhaps the most important of the common laws. The preface of this law is very valuable. The author is perhaps Andreas And. He was a man of considerable learning and had studied at foreign universities. In the Code on Kings, the first outline of the Swedish constitution is found.

4. Södermannalagen is principally a copy of the previous law.

5. Westmannalagarne, the old and the new, were worked out in close relation to Upplandslagen.

✓ 6. Helsinglagen, which was also established for Finland. It was written between 1320-1327.

7. Smålandslagen is lost with the exception of the Church-code.

8. Gotlandslagen is also from the 13th century.

9. Magnus Erikson's landslag was established 1347 and the "stads" or city-law in the latter part of the 13th century.

10. Kristoffers landslag was established 1442.

11. Vermlandslagen and Neriklagen are lost.

12. Söderköpingsrätten or the law of Söderköping, of which only a few remnants are left.

13. Björköarätten or the law of Björkö. It dates from the middle of the 14th century.

Besides these there are Visby Stadsätt and Gårdsätter or the law of the city of Visby, and home-laws. These are most important of the documents of the common law-literature.

XVI
ÖSTGÖTALAGEN.
(EAST-GOTHIC-LAW).
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This law is the largest of the common laws and of very great importance from many points of view. It dates from the latter part of the thirteenth century. The only complete manuscript that is extant is a parchment codex in the Royal Library of Stockholm, Sweden. The size is very large, 15 1/2 x 11 1/2 inches. This codex does not seem to be older than from the middle of the fourteenth century, but from the form of the language that is used, one can draw the conclusion that it dates from the later part of the thirteenth century. This law has ten balkær or codes which are divided into chapters. At the beginning of each balk there is a heading, giving the contents of the chapters. This heading is from the sixteenth century. Regarding the text itself, we observe that abbreviations are seldom used. The rune þ is used nearly throughout the text. Sometimes dh is used in place of þ at the end of a word. Q is not found in the law, k takes its place. The spelling is not very good; neither the punctuation. The period and semi colon are mostly used; comma only once, Vap ind. 7. The letters a and æ, ö, are sometimes used interchangeably.

R is left out at the end of words as draengia, sakt, þinnæ, ænda. W is used for vu, uv, or uvu, as arwm, halw, wunnin, hþwþ, awnd, gaw. Z is used instead of þ. The doubling of letters is very common, as dyll, laghsagha, skill, præll, böttins, kunnung, gozasit, attær. The pronoun han is sometimes united with the preceding word as kiplaran for kiplar han bindran for binder han. Peculiarities as to construction are also found. For instance when two verbs are connected with "ok" the latter is in the infinitive mode as A. B. 12:1, giui--- ok luka, takær --- ok læggia. B. B.9:7. Besides the codex which has been used by Dr. Schlyter in editing Östgötalagen, there are a few others. One of them belongs to B. Rosenblad at Stockholm, Sweden, and contains 134 leaves, is marked F. A third is found in the Royal University Library at Upsala. It is in a very good condition and is not divided into groups. It is styled C. This codex is from the fourteenth century. There is also a parchment codex at Skokloster which contains Magnus Erikson's Landslag with the Church-Code of the East Gothic Law. This is also from the latter part of the fourteenth century. The Church-Code is divided into groups, and it has a list of contents.

This manuscript is called H. There is also a parchment codex in the Royal Library at Stockholm, signed B.I. This contains the Church-Code and two leaves of the other text. This is called I. A paper folio codex is found at Söby, Östergötland. It contains the beginning of the Church-Code of the East Gothic Law. There is another paper codex in the Royal Library at Stockholm, signed B.4.1, a copy of the codex A. This is from the sixteenth century. In this codex the rune **þ** is changed to th, dh, t, or d. There are a few other parts of the East Gothic Law, glued on the covering of an old book in the Library at Upsala. As there is only one complete codex of the East Gothic Law, namely the one in the Royal Library at Stockholm, this is the codex that has been used by Dr. Schlyter and (11) is, therefore the one used in the following translation. The old common laws of Sweden are of interest, not only from a linguistic ^{standpoint} ~~point of~~ view, but also from a juridical, social, and ecclesiastical point of view. In these laws, the idea of freedom and personal liberty is very marked. They are evidently very old and although they are not found in writing before the thirteenth century, the laws were in existence long before that time. They describe customs and manners that go as far back as to the beginning of the Christian era; such customs which have been formed in accordance with the law principles of the people. They were presented in short and terse sentences, usually in poetic form as, "Nu a pæn ræf sum resir, Hæ-ra pæn sum handum taker." The law had rather the character of principles of justice than law paragraphs. It is clear that a people that possessed such a law had a very deep sense of justice. A person had at all times the protection of the law, until he was proven guilty before the law; then the law took its course. The Swedish people wanted a king who would apply the law strictly (War riwer i refstum sinum). The trial by jury was used, and great care taken in choosing the jury-men. The accused had every opportunity to defend himself and to secure a fair trial. The greatest punishment was to make a person an outlaw (bitugher vara um alt rikit). ~~The~~ ^{Woman} woman was not considered equal to man before the law, but in her home she had great liberty. On the basis of these old laws, the government of modern Sweden has been built and it has proved to be a stable government.

(11) Introduction to the East Gothic Law, Dr. C. J. Schlyter.

Lastly we shall quote just a few specimens of poetry found in this law to show how it is interspersed in the text. This fact gives ^{basis} ~~reason~~ for the assertion that the law, when it passed from man to man orally in the beginning, consisted of short sentences of poetical expressions. The poetical form is alliteration.

1. When alliteration is used in the beginning of the word.

Bindæ r sæ r byrþe,

Ok bæ r i læ þiu.

Eþs.3.

Þæt æ ru lagha hæ fte fise tra

Ok æ rma bande binda.

Dr. B.1.

Nu a þæ n ræ f sum resir

Hæ ra þæ n sum handum taker

B.B.35:5.

Viku at vatne

Æ lla rast at lande.

Dr. B.11.

Nu villia böndaer by byggia,

Þa skall ramærka niþiar suæ ria

Um by þæ n þe byggia villia.

B.B.1.

Nu vill fæ i akra fara

Ok skapa gæ ra.

B.B.15.

Uæ ndir þæ r atæ r

För æ n han lyser

Ok möt þi num

Sum hit hallær .

B.B. 37:1.

Nu a biur sæ böle som bonde

Huar sum dræ per biur och bryter hiþi hans. B.B.36.

Sættar stok ok stapa,

Far mæð blande ok bikaro.

B.B. 35:1.

I alrum ok sængium

I brom ok bækkium

B.B. 3

Pæð gange horn gen horne,

Ok hof gen hof

B.B.2.

2. When alliteration is used in the word.

Sættar næmer æn skilt ær

þa ær skruuvær þiuær.

B.B.35.

Nu aghær annar traen

Ok annars ær iorþin i skoghinn

B.B.35.

Burit sæþa skæppa sinu.

B.B.9:6

Dræng leghia fæstir havum leghæ.

B.B.11.

Til byia fylghia,

Ok lass i tak lata.

B.B.34.

Mælte honum ængte sækta ord.

B.B.38.

Nu læggia man hælgæ,

A skogh sin ok skipta.

B.B.41.

Skiutær alla skuaer

Uapa M.22.

Bindær sær byrþe

Ok bæð i læþiu.

Epz. 32.

Bær i fælstaerok læggær a lön.

Epz. 25.

Skiutær man spiute.

Uapa M.1:1.

þa a huaru rættir

Uita sættan

Uapa M. 7.1.

3. When alliteration is at the end of the word.

Kombær egh atær,

Firi sola sætær.

B.B.27.

þa ær ok höttaer

Med ængu bötaer.

Eps. 3.

Aer staluaer siuker

Aella sittær ivi siukum

B.B.1.

þrættan takum

ok þrættan tylftum.

B.B.1.

Norþan ok östan

Östan ok Sunnan

Sunnan ok Uæstan

Uæstan ok norþan.

B.B.4.

þæn næmir solu sum næmir a,

Ok þæn fiærmer solu sum fiærmir a B.B.6.

Draghaer tiupaer,

gangaer hæstær.

B.B.17.

Aer skoghær *oskiptær.*

B.B.30.

Till þingx fara ok kæra.

B.B.8.4.

Nu Uill fæi akra fara,

ok skapa gaera.

B.B.15.

Með prim þingun

ok prim fæmtum.

B.B.33.

EAST GOTHIC LAW.

.....

HERE BEGINS THE LAW-BOOK OF THE EAST GOTHs.

.....

FIRST, CHURCH-CODE, IN WHICH THERE ARE THIRTY ONE CHAPTERS.

.....

CHURCH CODE.

1.

HOW A CHURCH SHALL BE BEGUN.

...

The King lets a church begin to be built, freeholders bring it to completion. Now the church is built, then shall a gift of land be donated to the church, namely twelve barrels seed on half fallow, and a twelve loads meadow. Then they shall buy books, and mass-robcs, chalice, bells, and all those things with which to assist man into the world and out of it, both living and dead. All this the parish shall pay for.

II.

HOW THE BISHOP SHALL BE CALLED AND HOW HE SHALL BE REMUNERATED.

...

Then the bishop shall be called. He shall come into the parish with twelve men, himself the thirteenth. The freeholders shall keep three tables for him, and give him three marks for the dedication of the church. Then shall freeholders supply him with three barrels of ale, three bushels of wheat, one barrel of rye, and one barrel of barley. This he shall have for his table, and four barrels of grain for horses, two loads fodder, besides three pounds of butter, four pounds of pork, a neat worth a mark, and twelve chickens. And comes he not on such a day, when he may eat meat or butter,

(1) Tolf tynia sape a halfnapa traape etc., such a field should be given to the parish, that only half should be seeded, and the other half to be fallow. Tolf tynia sape, is a field, on the half of which twelve barrels could be seeded, the other half should be fallow-field.

(2) Skötning, land-gift; land obtained in the following manner. The vendor placed some soil from the land in the buyer's cloak, which was held outspread by the persons that were present, whereupon the receiver accepted the cloak with the soil, and the land, from which the soil was taken, was considered as his possession.

then shall freeholders supply him with fish, instead of the other food, and be free, and half a pound of wax.

§ 1. Now the bishop desires to dedicate a church; then he shall give due notice a month before, and inform the parish of the day, when he shall arrive, and the freeholders shall bring the aforesaid articles of food to him at the parsonage.

§2. All land-gifts, given on the dedication-day, shall be for the support of the priest. All those, that are given after the church is dedicated; then he that gives, has right to give for what purpose he pleases, whether it be for the priest or ornaments in the church.

III.

IF PRIEST AND CHURCH DISPUTE ABOUT LAND-GIFT BEFORE THE RIGHT
TITLE TO IT IS ACQUIRED.

...

Now if priest and church dispute about the land-gift, before they have
(5)
clear title, then shall he that gave it, or his heirs, determine the right
(6)
owner to it. Has either of them clear title to it, prove his ownership to it with the church council, whether it be for the priest's support, or for the ornaments of the church, whichever the church desires.

§1. Now whether it be the priest or the church, that is in danger of losing their land, after it has been lawfully acquired; if the priest is in danger of losing it, then the priest sues; if the church is in danger of losing it, then the church shall sue the trustee in the church on Sunday
(7)
and bring accusation on Saturday at the thing, and the judge shall enjoin
(8)
him a fent for the following Thursday to the church-yard. The parish wants

(3) i hem ok ur heme, into the world and out of it. A church should procure all those things necessary at the birth and death of man. The word here means not only home, but also world. In this connection it means world.

(4) Kirkiu bol, church-yard, parsonage. The word bol has several meanings; it means a yard, a piece of land, and also a farm. The parsonage was generally built on the premises of the church, and in this connection it means parsonage. Bol-stad means a country place also.

(5) Innan hæfpa, before they have clear title to it. Hæfþ, to acquire right of ownership, by holding it in possession a certain time. The time required was three years.

(6) Hemula, to transfer the right of ownership or other rights to another,

to defend the land for the priest, or the church, whichever the jury prefers; will it not do it, then appoint another thing; is the parish yet unwilling to defend it either for the church or the priest, then pay a fine of nine marks. He that prosecutes shall take three marks, whether it be priest or church; the king three, and the county three.⁽⁹⁾

IV.

HOW A PRIEST SHALL BE CHOSEN IN THE CHURCH.

...

Now priest shall be chosen for the church; freeholders shall have power over election. Three shall be nominated. The bishop shall take one then, such as he desires, a priest and no novice, unless all those in the parish agree to it.

§1. Then a sexton shall be chosen. Freeholders nominate three, the priest shall choose one, whom he desires. Freeholders shall then take the church-key and place it in the hands of the priest, and the priest shall hand it to the sexton.

V.

IF THE CHURCH PROPERTY BURNS AND THAT THE PRIEST SHALL LIVE IN THE PARSONAGE.

...

Now a church may burn or is robbed at open doors, then the priest shall make this good to the parish and he shall bring an accusation against the sexton. The priest shall live in the parsonage, shall sing in the church matin and mass and vespers, and at all regular services. If the priest fails to hold service on a day, that is preceded by a fast-day, then he is liable to three marks. Those the freeholders in the parish shall take, unless he can show lawful hindrance. These are his lawful hindrances: he lies sick or is called by his bishop.

(7) Þhing: thing, a legislative and judicial assembly. It had the function of a court, but more than that, because the thing not only made the laws, but also executed them. This assembly was held for the whole kingdom on Mora plain, about seven miles to the south of Upsala. At this place kings were chosen.

(8) Fæmt, i.e., closed jury, so called because this committee or closed jury, met within five days. The thing met on Saturday, the fæmt on the Thursday following.

VI.

ABOUT HOW FREEHOLDER SHALL RECEIVE THE LAST UNCTION, OR HOW
CHILDREN SHALL BE BAPTIZED AND HOW SEXTON SHALL CARRY BOOK
AND STOOL IN THE PARISH.

...

Now the priest receives notice to give freeholder communion and the last unction. Now child is brought and is in need of baptism; then he cannot help them both. He shall first baptize the child, because it has not received the baptism. That is a lawful hindrance for the priest. Should a freeholder not receive communion and the last unction, then shall the priest pay a fine of three marks, unless he can prove lawful hindrance by the oaths of two priests, he himself the third. Can he take the oath, then he is guiltless. He fails of the oath, then pay a fine of three marks to the heirs of the freeholder.

§1. It is the sexton's duty to carry book and stool with the priest into the parish.

VII.

ABOUT THE DEATH OF A FREEHOLDER AND HOW LONG THE BODY SHALL
BE KEPT.

...

Now freeholder dies, then shall the priest come to him, consecrate his body, wake over him at night, charge nothing for it. The priest does not wake over him at night, has no hindrance, nor permission from the freeholder, then shall the priest pay a fine of three marks to the heirs of the ~~xxx~~ freeholder. Should he wish to keep him in several nights, give an
(10)
"örtug to the priest for every night thereafter which he wakes.

(11)

§1. Now a body lies one night unconsecrated, the priest shall pay fine of three marks, - the heir of the freeholder shall take them, - or show a lawful hindrance. So the second, and so the third, afterwards the

(9) Härad, a county, district, or province. The primitive meaning of härad was a district, where a här or army held the controlling power. A greater number of the men from this district were present at the thing and approved or disapproved the proceedings.

One

(10) Örtug, or Örtugh, one-third of an öre. Mark in money was equal to 8 öre. The worth of a mark in silver was in Östergötland considered equal to 96 cubits of vadmal (woolen cloth). Two marks penninga was equal to one mark silver. One mark gold was equal to 16 marks silver.

heir of the freeholder may carry it out and perform the interment without incrimination. Should he bring out the body before it is kept in so long, then pay a fine of three marks to those who own the land over which the body was carried. The priest shall follow the body to the grave and consecrate the grave. It is the duty of the freeholder to have requiems sung. The first, when the body is carried out, the second, on the seventh day, the third, on the thirtieth day, the fourth, after a year, and at each he shall bring thirty candles or thirty pieces of money.

VIII.

HOW A SEXTON SHALL RING, OR THE ROPE GETS LOOSE FROM THE BELL,
OR IF ANOTHER RINGS.

...

Sexton shall ring at matin, high-mass, vespers and at funerals. Freeholder wants ringing thirty days after death, he shall give sexton an örtug.

§1. The rope of the bell gets loose, then shall sexton stand at the church-door on Sunday and likewise the second and third Sunday and notify the congregation. The bell falls down after lawful warning and kills sexton, he is worth three marks in fine. The parish shall pay them as a fine to the heir of the sexton, from the church-property. The bell breaks after lawful warning, then he (the sexton) shall lie without rights. Now warning is not given, the bell kills the sexton, lie without rights. Bell breaks, then it is valued at three marks. The sexton pays them to the trustees.

§2. Now someone rings without sexton's permission, pay therefore a fine of six öre. He breaks the bell, pay its full value, unless he came riding or walking and wanted to call the priest or sexton. Or fire breaks out, tolls he then or rings, he is without guilt. Breaks he then the bell, he is also without guilt. Sexton brings a case against him, why he rang, then deny it with a twelfth-oath or prove with a fourteen-men-oath, that he rang with his permission. Bell kills him, lie without rights. The clapper's band shall the sexton take care of.

IX.

WHAT A PRIEST SHALL HAVE FOR HIS SERVICES, AND HOW THE TENTH
SHALL BE RENDERED, AND HOW THE GRAIN SHALL BE HARVESTED.

...

(12)

The priest is entitled to take all the quick-tenth for his service.

(11) Vighia to consecrate anything for holy purposes. Vighia is also used about marriage. According to Catholic belief marriage is a sacrament and the word is so used in this law.

The freeholder shall give his tenth of grain from the first shock he cuts and brings in. He shall count them along the strip, up one row and down the other, and set aside every tenth shock, where he passes. Whatever tenth is given on the dedication-day, when a church is dedicated, that shall the parish be satisfied with. Now the freeholder has harvested his grain, then shall the priest take his tenth from the field. Freeholder shall give notice to the priest, during three days of good weather, on such as he may bring in his grain, as the freeholder his. Is the tenth spoiled before, then shall the freeholder repay him; is it spoiled afterwards, then shall the freeholder not reimburse him. Freeholder and steward give tenth^{both} for themselves and for members of their household. Freeholder shall bring in two portions, thrash them and have the straw and chaff for his work; divide the grain in three portions: one portion for the church, the other for the bishop, the third for the poor. All shall give tenth, both rich and poor.

X.

ABOUT PASCAL-OFFERING AND SEXTON'S SALARY.

...

(13)

A man lives free in another's house in the parish; he owes the priest eight pieces of money at Passover. If two, man and wife, live thus together, they shall give the priest an "örtug" and no more, even if they are several. No man servant shall pay this money.

(14)

(15)

§1. Sexton shall have half a bushel of grain from all those that give the priest grain and quick-tithe.

XI.

HOW MANY ALTAR-OFFERINGS THERE SHALL BE, AND HOW GOOD THEY SHALL BE.

...

(16)

The priest and sexton shall have three altar offerings every year.

(12) Firi pianist sina, for his service, Every parishioner should give a tenth. Special services had its special remuneration.

(13) Hussætu naper, a man, who has no home, nor any property, and lives gratis in the house of another person.

(14) Pænninger, a coin of which there was 16 to one "örtug" in Gothic provinces.

(15) Span or spander, a measure somewhat larger than a bushel.

One at Christmas, the second at Easter, and the third at Pentecost. All those, who do not pay ~~their~~ full tithe to the priest, shall give sexton a loaf of bread and meat for a loaf once a year. Should the priest and sexton quarrel with the freeholder, and say, that he had not given as good an altar-offering as he should, if he places upon the altar a loaf with a Swedish penny, and as much meat as belongs to it, then he is guiltless. The priest and sexton owe him as much service as those, who tithe both grain and cattle.

XII.

IF A WAY-FARING MAN, OR A BEGGAR, DIES, AND HOW THEY SHALL BE BURIED.

...

A way-faring man may lie sick in the parish, then it is the duty of the freeholder, with whom he lies, to send word to the priest. The priest shall come to him, give him the sacrament and last unction, consecrate his body, watch over him at night, sing four requiems over him and take half a mark of his possessions. Then it is the duty of the freeholder, with whom he dies, to notify the priest. The priest will not come, then it is freeholder's duty to keep the body ~~in the church~~, during one night and after that he shall send for eight men. Are those, who are informed, unwilling to come, then pay a fine of three marks. Pay a fine of one mark to him at whose place the body lies; one mark to the king and one mark to the county. The freeholder shall bring the body to church, dig a grave, and send word to the priest. Will the priest not bury him, then shall the freeholder bury him lawfully and the priest pay to the bishop, a fine of three marks.

§1. A beggar dies in the parish, the priest owes him the same service, even if he owned no more than a staff and a bag.

XIII.

ABOUT A FREEHOLDER THAT RETAINS HIS TITHE; HOW THE BISHOP'S
BE CONSTITUTED AND
JURY SHALL PROCEED, AND WHAT OATHS ARE NECESSARY.

...

A freeholder withholds his tithe a year, pay therefore a fine of three

(16) Altare-varinga, the word signifies an offering placed upon the altar. These offerings should be raised at the three larger festivals of the year.

"ore and out with the tithe to the priest or those who are entitled to have tithe. So it shall be the second and so for the third year. Should he keep ^{three} it more than ^{three} years, pay the bishop a fine of three marks. Freeholder brings not his tithe before Easter, then he shall not be excluded from the Lord's supper, but he shall be called to the church after Easter, and prove with an oath of fourteen men, that he kept the tithe with permission, or that he brought it or offered it, and that they themselves caused, that they would ~~not~~ not accept it. Can he not furnish oath, pay a fine of three "ore, if ^{more than} he kept it less than three years. Did he keep it ^{more than} three years, pay a fine of three marks, as was said before.

§1. Bishop shall for his tithe consecrate the oil, clerks, chalice, and mass-robos. Every third year he shall come to the parish and take for himself and twelve men, he himself the thirteenth, supply for two days and nights from the priest. Then he shall confirm people, and inspect the jury.

§2. A bishop desires to meet with the jury, then shall he send a month's notice beforehand. The priest shall appoint the jury, appoint true men in the same, no men having disputes, no public prosecutor and no one, who had stood in the oath. And they shall sit in the jury, upon whom the ~~disputing parties agree~~. Then shall the public prosecutor ~~present the~~ oaths before the jury. The jury shall then sit by themselves, and discuss the case. All those oaths, which it affirms, shall be affirmed; all those oaths, which it ~~rejects~~, they are ~~rejected~~, unless the jury desires to ⁽¹⁷⁾ submit certain oaths to the decision of the king or the lawman. Then such oaths remain xxxxx until they are affirmed or rejected.

§3. Every lawfully called case shall come before the bishop's jury, but not a suspicious case. Every oath shall come before the bishop's jury, These cases shall come before the bishop's jury, adultery, perjury, false witness, unconfessed murder, church-robbery, holy day fights and Sabbath desecrations, and on oaths, taken in the following cases: dispute about land, cases regarding personal security, cases of theft, cases of witchcraft; these oaths shall come before the bishop's jury, so that for them fine is paid to both bishop and the king. Likewise all satisfying oaths,

(17) Laghman, lawman, or judge for the whole district. The man, who held this office, must be versed in the law and be able to interpret the laws at the thing and at other meetings, where it was necessary to apply the law, in case of dispute, etc.

and oaths on lawful excuse, oaths satisfying another oath, and oaths that
(18)
a case is satisfied. Cases of disagreeing oaths shall not come before the
bishop's jury. The county jury shall settle such. A man testifies against
his thief or a man testifies against another for murder, or declares thus:
"These terms would I accept from you as you now took them from me"; or one
swears another man free; then shall not these oaths come before a bishop's
jury. If they both swear on the same day, then shall a bishop's right not
be set aside.

XIV.

OF HOW A BISHOP'S RIGHT MAY BE SET ASIDE.

...

If both do not take the oath on the same day, and one receives com-
(19)
munion before he is convicted, then he shall fast and pay no fine. But the
head of the family shall both fast and pay fine. And for all such cases
that are rejected by the bishop's jury and satisfied a month before the
arrival of the bishop; one shall fast and pay no fine, except the head of
the family. He shall both fast and pay fine.

§1. The priest and the public prosecutor disagree. The priest says,
that the freeholder is absolved from said case, and the public prosecutor
says no; then shall the priest prove him to be absolved by his oath, be-
fore the bishop or provost.

XV.

ABOUT ADULTERY, INCEST, NEGLECT IN PERFORMING PENANCE AND
THAT SECRET CONFESSION WILL NOT AVAIL FOR A MAN HAVING
(20)
TAKEN A FORE-OATH.

...

A woman becomes pregnant in adultery or incest, then shall the per-
petrator pay a fine of three marks to the bishop and the woman shall be
guiltless. Secret absolutions will not avail him, unless he had been ab-
solved, before he knew she was pregnant. Now the bishop's prosecutor
brings accusation against him, then he shall prove with an oath of fourteen
men, that he was absolved before he knew her to be pregnant.

(18) *Tuæ suære*, oaths taken by contending parties in the same case. *slita*
t., to decide who has sworn truthfully.

(19) *Fæ bōta*, to pay a fine in cattle. But *fæ* does not only mean cattle
or sheep, it means property in general. Anything used in paying fine.

§1. A man receives public absolution and falls again into the same sin, that is called absolution-breach. He shall pay the bishop a fine of three marks. Secret absolution will not avail him in this case. Or he commits adultery or incest, or receives public absolution for murder or perjury, and falls again into the same sin, that is called absolution-breach. For this he shall pay a fine of three marks to the bishop. A man is guilty of unlawful intercourse and receives absolution from the priest, and falls again into the same sin; then he shall again receive absolution from his priest and be free from fine. And should the priest keep him away from communion on Easter day for unlawful intercourse, then he shall pay a fine of three marks to the bishop.

§2. Now an oath of fourteen-men is rejected before the bishop's jury, then those, who swore first in the oath, and the headman, for them secret absolution will not avail in a bishop's case.

XVI.

AN OATH SHALL NOT BE TAKEN AGAINST A JURY, AND WHEN ONE JURY
CONVICTS AND ANOTHER ACQUITS.

...

No one shall take an oath against a bishop's jury or a king's. If the jury decides unjustly, then shall the king's or lawman's judgment with true witnesses reverse the judgment.

§1. One jury convicts and another acquits, then shall that jury's decision stand, in whose territory the deed was committed, because the county-jury and the bishop's jury shall in every case find out the truth, as to where the deed was done, and that jury shall convict or acquit.

§2. Now a man is convicted by the jury and he does not consider himself convicted. If he has seven men in the jury on his side, then he has sufficient evidence and shall be free. Now they differ, who are in the jury. If the majority acquits, then he is acquitted; if the majority convicts, then he is convicted. But the jury will neither acquit or convict and the prosecutor says he is convicted, then may freeholder sue the jury, demanding either conviction or acquittal. Will it do neither, then he may
(21)
bring a complete prosecution and a Lionga-thing afterwards. If a jury at the

(20) Foreper, a previous oath. Thus the oath of the witnesses was called, when other oaths followed. Those, who followed, were generally twelve.

(21) Lionga þing: Lionga-thing. The general thing of Östergötland, which was held at Linköping. At such a meeting cases of general character were taken up and disposed of.

Lionga-thing does not do the right, ~~thing~~, neither convicting or acquitting, then it is liable to twelve marks fine. If six decide to acquit, and six to convict, then shall those have right to prevail, who wish to acquit. Thus it shall be in every jury.

§3. Bishop's jury shall find out the truth and the county jury the decisions of the law.

XVII.

HOW FINE SHALL BE PAID, IF A MAN TAKES AN OATH, AND DIES BEFORE THE CASE IS LAWFULLY COMPLETED.

...

A man takes an oath or does anything else, which is a bishop's case, and dies before the case is lawfully completed and the oath is rejected, then the bishop's case dies with him. And those who are living, shall pay fine in their own case, that is: every one that was not secretly absolved, before the oath was rejected, pay a fine of three marks to the bishop.
in in in a
Now a king's case, or a county's case, or a plaintiff's case, in those cases pay fine.
the man's heirs shall. Then if the case was lawfully proved against him, while he was living; then his heirs shall pay a fine in a bishop's as well as a king's case.

XVIII.

ABOUT A JURY THAT IS CONSIDERED INCOMPETENT.

...

Now a jury is considered incompetent; all those that swore in it, they are liable to three marks: one mark to the King, the other to the plaintiff, the third to the county, and three marks to the bishop, whether it was convicted for untruthfulness or for illegality. Secret absolution will not avail in a bishop's case, because each one has to stand for himself.

§1. Now there is some one in the jury, who did not take the oath, he shall pay a fine to the king, the plaintiff, and the county, and be guiltless before the bishop; likewise in an oath that becomes void on account of perjury. All those, who are excused from taking oath, shall pay no fine to the bishop.

§2. Now the public prosecutor brings complaint against a freeholder, says that he had stood in the oath, which is annulled by a bishop's or a king's jury, and freeholder denies it. Then it shall be his duty to prove it with a twelfth-oath. Can he take the oath, then he is guiltless; fails he to take the oath, pay fine as is said.

12.

XIX.

IF SEVERAL HAVE PART IN A CASE, TO WHOM SATISFACTION FIRST
SHALL BE MADE.

...

Now several have part in a case, both the plaintiff, king's, bishop's and county's prosecutor; then shall satisfaction first be done to the plaintiff, or lawful security given. Is the plaintiff not in existence or brings not complaint, the defendant gives security to one of the prosecutors, and afterwards several demand security, then he shall take his bondsmen, come to the thing and declare: Her is my bondsmen for the oath which I gave to one of those, who had part in the case. Then the things-men shall order for him a fent and he may then take the oath. If it is not time to take the oath that day, then it shall be taken the next day, when court is held. If any one comes to the meeting, who has part in the case; then he shall take his oath, even though the one to whom the oath was confirmed, does not come. He is then guiltless.

§1. Now those may come, who have part in the case and he is unwilling to take the oath, ^{then} the case is lost. If neither of them, who have part in the case, comes, then they shall sit there till the thing is over, receive the certifying oath and be guiltless.

XX.

HOW THE PRIEST SHALL ADMONISH TO KEEP THE SABBATH, AND FREE-
HOLDER SHALL ATTEND CHURCH.

...

It is the freeholder's duty to attend church on Sunday. The priest shall declare the holidays and fast-days. The priest forgets and freeholder transgresses, then the priest is guilty and the freeholder is guiltless. The priest declares and freeholder transgresses, then freeholder is guilty. Secret absolution will not avail. Is he outside the parish, on water or on land, then he shall receive absolution and pay no fine.

§2. In all other cases or other circumstances, secret confession will avail instead of fine. Should he do any heavy work on a day preceded by a fast-day, then is freeholder liable to a fine of three marks. Should he commit an offense on a minor holiday, pay a fine of six öre.

IF A MAN SEES ANOTHER COMMITTING SIN, THEN HE SHALL INFORM
THE PRIEST THEREOF.

...

A man sees another committing sin, then he shall tell it to the priest. The priest shall stand in the church-door on Sunday, likewise the second and the third, and declare thus: Such a thing has happened in my parish, now I bid him call on me and make it right with his God. Is he unwilling to do penance, then shall the priest go to his house, bid him do penance and declare thus: "I have called you". Is he still unwilling to do right, then shall the priest take the trustees with him, go to his home and bid him do right. If he refuses, then he shall affirm by an oath before the priest, and the trustees, that he is not guilty in this deed. Is he able to take the oath, he is guiltless; if he fails to take the oath and desires to repent, ^{*then he shall do penance and shall not pay fine; Now he does not offer to do right,*} then his case shall be referred to a fent, and then the priest may give his name. Now he is willing to settle according to law, the public prosecutor shall then be satisfied. If he fails in the oath, then he shall both fast and pay fine.

XXII.

ABOUT YULE-PEACE, PASSOVER-PEACE AND PENTECOSTAL-DAYS AND
CHURCH MASS, AND IF ONE WOUNDS ANOTHER DURING THESE SEASONS.

...

(22)

Yule-peace begins on yule-eve, after vespers are sung and continues till the vespers are sung on the eighth day after the twelfth day. Easter-peace begins on the Wednesday in the still week; then shall the bells be tied up and remain thus until vespers are sung on the eighth day after the first. The holiday of Pentecost begins on the eve after vespers are sung and continues till vespers are sung the eighth day. The holiday of Church-Mass begins when vespers are sung in the eve, and continues until vespers are sung the next day. Whoever fails in observing this holiday, shall pay the bishop a fine of three marks or deny it by an oath of twelve men.

(22) Yula frøper, yule-peace. This word signifies (1) greater security or peace during Christmas. This peace extended from Christmas eve to the thirteenth of January; (2) freedom from prosecutions by law during Christmas, (a) from Christmas eve to the 13th of January; (b) from the 9th day before Christmas to the 20th day after Christmas, or the 13th of January. This holiday was supposed to last twenty days.

XXIII.

HOW ONE MAKES HIS CASE WORSE DURING PETER'S-MASS, OLOF'S-MASS,
AND LAWRENCE-MASS.

...

Now during Maunday-holiday, and Peter's-mass at Linköping, and Olof's-Mass at Skenninge, and Lawrence-mass at Söderköping, whoever shall then cut, strike, or kill any one going from or to these places, or any one staying there, makes his case worse by forty marks, of which the king shall have twenty marks, and the bishop twenty marks.

XXIV.

OF MEN, WHO DONATE PROPERTY TO A CLOISTER OR CHURCH, AND
ABOUT MEN, WHO FIGHT IN THE CHURCH-YARD.

...

A man donates, property to a church or cloister while he is well; then he may give the whole lot, but half if he lies, expecting to die. Now they dispute about it before clear title is obtained; then he shall have right to prove what he gave and prove what he has left. That is a chief lot; as many heirs as he has, then he shall give such lot, as either of them takes. He shall deny either that he gave it, or prove that this he gave and no more. If a cloister has lawful title to it, then proper authorities shall defend it with an oath of fourteen men.

§1. If men ~~are~~ fighting in the church-yard, then the church-yard becomes desecrated. Then he shall pay a fine of three marks for every loss of service that they have, and he shall have the church-yard rededicated.

XXV.

OF IF A MAN WHO IS KILLED IN THE CHURCH, AND OF IF ONE IS
LAWFULLY CONVICTED BEFORE A BISHOP.

...

A man is killed in the church or adultery is committed in the church, then the church is desecrated. And he, that caused the desecration, shall have the church rededicated.

(23) *Kirkia massa hælga*, church-mass-holiday; a day set aside for the dedication of a church.

(24) *Huþ lut*, head-lot, the whole lot. One of the parts into which an inheritance was divided. When a person entered a cloister, his land was divided between himself and his children, and when he died, his portion was transferred to the cloister. A brother claimed twice as much as a sister; a mother twice as much as a daughter.

§1. A man is lawfully accused before the bishop, then shall the bishop order fents for him. Is he unwilling to do penance, then the bishop shall place him under the minor ban, because ^{he failed} of absolution and not because of fine. Should he remain under the minor ban a year, then the bishop may excommunicate him. Should he remain under excommunication a year, then his case will be worse. Then he is liable to nine marks. Now in case of other sins that man may happen to do, then his penance is made worse, but not his fine. Now he is unwilling to pay fine, then shall the bishop notify the king. The king may have him beheaded, and bury him outside the graveyard. His lawful heirs shall take his property, the king his personal property.

XXVI.

OF IF A MOTHER MURDERS HER UNBAPTIZED CHILD.

...

A mother murders her unbaptized child, then she is liable to a fine of forty marks. These the guardian of the woman shall pay out of her own money, and of ^{his} money afterwards, if she does not have any. If he, who is the child's father, brings complaint, then shall the woman pay him a fine of eight "örtugs, and thirteen marks; eight "örtugs and thirteen marks to the king, and eight "örtugs and thirteen marks to the bishop. Should he, that is the father of the child, not bring complaint afterwards, then shall the king take twenty marks from the woman and the bishop twenty marks. A woman acknowledges the murder of an unbaptized child, then the public prosecutor shall not bring an accusation against her. That the county jury shall settle. Is she suspected of the case, and she is not ~~xxxxxx~~ taken in the act, then shall the county jury either acquit or convict her.

§1. A bishop's prosecutor shall not call a thing in any dubious case, but for evident and lawful cases.

XXVII.

HOW ONE SHALL SUE IN A CASE OF ADULTERY, AND OTHER CASES OF
ADULTERY.

...

A prosecutor brings a case against a freeholder's wife at an appointed thing, so that the freeholder did not first bring up the case against her;

(25) That is, the one to whose land the cloister or church has won legal title shall prove - - - that he either did not give it or that he did not give so much.

then shall the prosecutor pay a fine of forty marks. Bishop's prosecutor shall not bring a case of adultery against a freeholder's wife, but the freeholder himself shall bring up the case against her in the church or ^{some} ~~in~~ another meeting. Brings he a case against her before the congregation, then he shall either deny it with a twelfth oath, or pay a fine of three marks to the bishop. If he finds another man with her in the bed of adultery and convinces them of adultery by lawful witness and lawful judgment, then he shall not pay a fine to the bishop for her case; because she has lost everything she owned in his home. And he shall not be responsible for her, unless he shall take her back to himself, and if she runs away with another man, from the freeholder, and commits adultery, then he shall not pay fine in her case to the bishop, because she has forfeited everything she owned in the freeholder's home. If she runs away because of disagreement, and not because of adultery, then shall the freeholder bring accusation and be responsible for her until the bishop has settled the strife.

§1. If a freeholder brings a case against another at an appointed thing, because of his wife; declares, that he has committed adultery with her; then shall the freeholder, who brings ^{the} accusation, not pay fine to the bishop, whether the other, whom he brought complaint against, is convicted or acquitted, because of adultery.

§2. The bishop's prosecutor shall not bring a case of adultery against a freeholder's daughter, or his sister, or his relative, nor defame anyone because of incest, ⁽²⁶⁾ unless she was caught in the act or begets child as evidence. A prosecutor brings case against her before, then he shall pay a fine of three marks, for each thing he calls; one to the plaintiff, one ⁽²⁷⁾ to the king, and one to the county. If either is found to be true, then pay a fine of three marks to the bishop.

XXVIII.

ABOUT HOW A BISHOP SHALL DISSOLVE AND CONFIRM MARRIAGES, AND
WHAT IS NOT PERMITTED IN SUCH CASES.

...

Bishop has right to confirm marriages and dissolve them, and make

(26) Firi ætsku spiaell röpa, to defame anyone because of incest. Mere loose reports were not enough to bring up a case against anyone. Evidence was necessary.

(27) Alli mæn, all men, i.e., the whole county. One mark should be paid to the state.

known, what is permitted and what is not permitted. If he dissolves a marriage, then shall the one that is the cause of it, pay a fine of three marks to the bishop. If the two are the cause of it, then shall both pay the bishop a fine of three marks.

XXIX.

OF A MAN WHO STRIKES THE PRIEST, OR AN ORDAINED MAN, AND OF
THE CASES THAT SHALL BE CALLED BEFORE THE CHURCH-DOOR.

...

A man strikes a priest or an ordained man, then pay a nine marks' fine to the bishop and for no other case of discipline any more.

§1. For the following cases shall a man be sued to appear before the church-door: a priest or an ordained man is beaten; the second is about married people; the third, if a freeholder retains the tithe, then he shall be called to the church-door after Easter, but he shall not be deprived of the Lord's supper during Easter. And all such cases as belong to absolution, then sue him to appear before the church-door, and when fine is paid, then bring complaint against him according to the law of the land. Should he be called to the church-door, for other cases than such as are now described, pay a fine of three marks, he that called him.

XXX.

ABOUT FIGHT BETWEEN PRIEST AND FREEHOLDER.

...

Now the priest and freeholder fight and both are equally hurt, or both receive a full-sore. Both shall cancel their wounds and freeholder pay a fine of nine marks to the bishop for the ban, and go to Rome and be released from the ban. The priest is wounded and not the freeholder, pay a fine to the priest according to the law of the land, and pay fine to the bishop for the ban, nine marks, and go to Rome and receive absolution. A priest brings accusation against a freeholder, that he has struck or wounded him. Is it a full-sore, then he shall free himself by a three-twelfths oath. Is it a minor wound, or deed committed in wrath, then he shall free himself by a twelfth-oath^{or}, pay lawful fine.

OF A MAN WHO IS BEING MARRIED, OR THE WOMAN IS CHURCHED AFTER
HER HUSBAND OR HER CHILD.

...

Now a man is wedded to his wife. Then shall each one bring an offering according to his will, and each one no less for an offering and candles than two "örtugs". A wife is church⁽²⁸⁾ed after her child, or her husband, then shall she give an "örtug" for an offering and candles, at each time she is church⁽²⁸⁾ed. Then shall the priest receive her in the church. Is the priest unwilling to receive her, then pay therefore a fine of three marks: one mark to the woman's husband, and two marks to the bishop.

(28) I kirkin lepa, to be led into church. This refers to the custom in the State church of Sweden, to receive a woman into the church or "church" her, after she has given birth to a child. This custom is still practised in Sweden and is done in the following manner: The woman to be church⁽²⁸⁾ed, goes up to the altar, where the minister says a prayer in her behalf and closes with benediction.

This custom is evidently based upon the practise among the Jews at the time of Christ and also during the old dispensation.

CODE ON BREAKING OF THE KING'S PEACE.

THE (1)
 HERE BEGINS CODE ON BREAKING OF THE KING'S PEACE, IN WHICH
 THERE ARE THIRTY-FOUR CHAPTERS.

1.

(2)

ABOUT HOME-ATTACK, BURGLARY, AND WHO SHALL ASK FOR PEACE.

...

These are cases of breaking of the king's peace. A man rides to the home of another, with the intention of ^{injuring} the freeholder, or any one of his servants or any other person, who is there as guest, or seeks refuge in his home in distress. As soon as he comes to his home to do harm, kills, or beats, or inflicts full-sore, or causes minor wounds or bruises, all and those who are in the crowd ~~or~~ company, have broken the king's peace.

§1. A man rides to the home of another, because of his enemy, and the other, who follows after him, throws or shoots at him, so that he, (the pursuer, dies therefrom, or receives full-sore, or ^{minor wound} after he arrives at the premises or the home of the one, whom he seeks for help; then he who pursues, and all those who are with him, have broken the peace. Now it strikes him, who runs ahead, before he reaches the home or premises of him to whom he flees, then they have not broken the peace.

§2. Now they ride to the man's home, and although they desire to do harm, but cannot do it, and then if they do not cause blood-shed, and neither cut nor murder, then there follows no fine. If they break into the house, or molest, or push, or shoot, but cause no blood-shed, then they shall pay a fine of three marks, or deny it with a twelfth-oath, and the twelfth-oath shall not be taken before the jury has notified him of the breaking of the king's peace.

(1) The words used are ~~konung~~ ^{epzöre}. The word ^{epzöre}, means oath. This oath, referred to in this connection, was an oath taken by the king or the prominent men of the state to defend the general peace in the land. This oath was first taken by Birger Jarl and was renewed at every election of a king. But ^{also} ~~epzöre~~ also means the breaking of this general peace.

(2) Hemsökn, to attack, or plunder a home.

§3. Now he that makes a home-attack may, in the act of making a home-attack, become wounded, killed, or receive bruises, then is all that invalid, (i.e. no fine is to be paid) which he gets in the home-attack.

§4. Now they might run and desire to escape. All they get in the home or on the premises, is all invalid. If they come to a fight at the gate of the home, and the feet of him, who made the home-attack, fall inside, and the head outside, then he is without rights. If the feet fall outside, and the head inside, then he has rights because the head fell from where the feet stood.

§5. Now he, to whom they came, may depart from his home and kill, strike, or cut, after they came out of his home, pay fine according to the law of the land. Is he wounded or killed after he has come out of his house, then shall they, who committed the deed, pay fine according to the law of the land.

§6. Now he is wounded, who makes the home-attack, or he is killed, who did no harm. Then that is without rights which he (the one who killed) received, and whither he flees he shall have no peace and his home shall not be divided.

§7. Now men meet at the home of one of them on friendly terms and separate on unfriendly terms, then the king's peace is not broken, unless he, who had come, there departs from the house after he became angry and brings help or weapon and returns to the house and cuts, strikes, or kills; then he and all those who are with him, have broken the king's peace.

§8. Now he that owns the house and home shall intercede for peace, and he takes his part of the property and also the fine, who received the wound. Is it the duty of any one else than the heir of the man, who was killed, to make intercession, then shall he, who owns the house, intercedes for him, and as soon as he has made intercession for him and he has paid his fine to the king, then the murderer shall be cited to another thing, and testimony be brought against him, as is prescribed in the code on murder and he shall then be an outlaw, before the heirs (of the one who was wounded) until he has paid his fine to them. And when he has paid the fine to his heirs, then he is free from being an outlaw both before the king and the county, because he has before paid fine to the king. Is it a renter, upon whom home-attack is made, or has he rented or leased a house; if he or any of his servants receive a wound, or injury, or bruises, or is killed, then he shall have the division of the property and the fines and intercede for peace. If another man than he who seeks the home of the renter, is wounded or injured, or is killed, then

shall he, who was wounded or killed, have the division of the ~~xxx~~ ^{forfeited} property and the fine, and the land owner shall intercede for peace, and not the renter, unless the land owner did the deed or he directed some one thither to do harm, then the renter shall pray for peace for the land owner.

II.

~~OF~~ IF A MAN TAKES VENGEANCE AFTER A CASE IS SETTLED
AND FINES ARE PROMISED, AND OF TAKING VENGEANCE UPON ANOTHER.

...

A man seeks vengeance after a case is settled and fined. He has broken the king's peace. Then shall the jury find out whether there arose another difference between them or not.

§1. One may not take vengeance after fines have been promised without breaking the king's peace, unless security is not given and it was so agreed ~~upon~~, that if they did not pay fine before the day that they said; ^{might} then they ~~can~~ seek vengeance. If the fines are warranted, then the ^{finer} shall be demanded ~~from~~ from the warranter and ~~take~~ no vengeance ^{taken}. If he takes vengeance after the fines are secured, then he has broken the king's peace. If any of the fine has been paid, then they shall not take revenge.

§2. A man shall not take vengeance on another, if some other one has committed the deed. If he takes vengeance ^{thus}, then he has broken the king's peace. Then shall the county jury find out, whether it was the same one, upon whom he took vengeance that committed the deed against him, or another one, Did not the same one commit the deed against him, then they shall find out, whether another disagreement arose between them, or he took vengeance upon another. If he took vengeance upon another, then he has broken the king's peace.

III.

IF A MAN COMMITS RAPE, AND IF A MAN LIES IN WAIT FOR ANOTHER
ON A THING- OR CHURCH-ROAD.

...

A man commits rape, then he has broken the king's peace. Is it seen on the man or on his clothes, that which the woman tore, or on the woman, or is her scream or call for help heard, then shall the county jury find out, how much truth there is in it. If he struggles with her and cannot do with her what he wishes, tears the clothes from her; is her scream and

call for help heard; then he has broken the king's peace.

§1. A man lies in wait for another on the thing-road or on the church-way and desires to kill him, wound or strike him, before he comes to the thing or church, and kills, wounds or causes bloodshed; then he has broken the king's peace. A disagreement arises between them on the thing- or church-road and not of a previous standing. One is killed by the other, there the king's peace is not broken. One lies in wait for another on the thing- or church-road and, though he desires to do harm, but is not able, that is a threath with no fine. ⁽³⁾ A man cuts the clothes or the weapon of another, shoots or pushes on the thing- or church-road and there is no bloodshed; then deny it with a twelfth-oath or pay a fine of three marks.

§2. A man kills another, strikes or causes bruises at the thing or in the church itself; then the king's peace is broken, unless it is done accidentally; because there everybody shall have peace.

IV.

OF HOW LONG ONE ENJOYS PEACE TO THING AND CHURCH.

...

Now if a man returns to his home from the church or thing; whoever does anything to him before he comes to his home, he has broken the king's peace.

§2. He rides to an ale-house, before he rides home, or to another place, before he goes home, and if his enemies lie in wait for him, kill or wound him, then they have not broken the king's peace.

V.

(4)

IF A MAN, DRIVES ANOTHER FROM A MEETING, AND ABOUT PREVENTION
FROM PLEADING HIS CASE.

...

Now one drives another from a thing or some other meeting, where court is held, or from another meeting, in order to prevent him from bringing a lawful accusation; there he, that drives him away, breaks the king's peace, although there comes no main from it; since no one would dare to accuse or bring complaint against a person because of threats. These are called lawful causes for bringing accusation: One summons

(3) Höttaer ~~mepænga~~ böttaer, a threath which is fined with nothing. This seems to be a line of poetry. Such are frequently found in the old Swedish laws.

(4) The word "um" means of or about. The word may be left out; then the translation would be "if a man" etc.

a man to the thing and is beaten or driven from the road, or when he rides to the thing and wishes to plead his case at the thing, or is sitting in the fent⁽⁵⁾ and is struck or driven away, or when he wishes to report for oath, or when he wishes to hear the oath; then these are lawful causes for bringing accusations and no more. Whoever strikes another or drives him off, has broken the king's peace. Now the county jury shall find out, whether he fled, willfully, or the other drove him away from the meeting of the thing, or whether another disagreement arose between them, which was not caused by his summoning him to the thing.

§1. Now he has right to protection from his home to the meeting, and likewise to his home again. If any one kills him, wounds or bruises him, on the way to the fent or from the fent, because he sued or desired a fent; then he has broken the king's peace.

§2. Now they lie in wait for him on the way, and can neither kill nor wound him, nor cause bruises, that is also threatening with easy fine.⁽⁶⁾

VI.

IF A MAN LEADS ANOTHER TO THE STOCKS, AND CUTS OFF HIS FOOT
OR HIS HAND.

... (7)

A man leads another to the stocks, and cuts off hands or feet, then have all those who were with him broken the king's peace. Now if a fight arises between them, then the king's peace is not broken.

VII.

IF A MAN TAKES VENGEANCE BECAUSE OF THE KING'S DECISION, OR
BRINGS A MAN BY FORCE FROM HIS HOME.

...

Now a man takes vengeance after the case has been decided by the king, kills or beats, cuts full-sore; or one takes vengeance, because another testified against him at the king's court; or he takes vengeance on him after he has

(5) fent, five, so called because this closed jury was held five days after a thing.

(6) *pa her ok höttar*^{sköt bötter,} that is also a threatening with paying of easy fine. The word *sköt* in this connection seems to mean soon or quick but it also means easy.

(7) *till stoks*, to the stocks. The stocks was an instrument of torture, in which the hands or the feet were fastened for punishment, but one person might lead another to a log or stump and there cut off his hands or feet.

settled his case with him, or defended his paternal inheritance against him; if he takes vengeance because of this, then he and all those that are with him have broken the king's peace. Then shall the county jury find out whether he took vengeance, or another dispute arose between them.

§1. Now one rides to the home of another and brings him by force out of his home, although he does not break into the house and causes no bloodshed in the home. As soon as he comes out of the home he binds him securely, kills, cuts full-sore, or puts him into the stocks; then he has broken the king's peace, unless that is the king's judgment, or the judgment of another that has authority from the king; or stolen property is found with him, or stolen property is proven to be in his house, when investigation⁽⁸⁾ is made.

VIII.

ABOUT HOW DIVISION OF HIS PROPERTY SHALL BE MADE, WHO BREAKS
THE KING'S PEACE.

...

Now all these crimes are breaches of the king's peace. Whoever commits them, however many they are, they have all forfeited everything they possess on earth and shall be outlawed⁽⁹⁾ all over the kingdom, and the property which they possess, shall be divided into three parts: one part for the plaintiff, the second for the king, and the third for the county.

IX.

OF THAT THEY (I.E. THOSE PUNISHED AS ABOVE STATED) SHALL NOT
FORFEIT THE PORTION OF THEIR WIFE NOR THEIR CHILDREN'S PORTION.

...

Now they cannot forfeit their children's portion, and not the wife's portion, and the portion of no one, who has part in their home, but their own portion alone; because no one may forfeit the portion of another, so shall each one alone pay fine in his own case.

(8))taks med randzsak, taken in search for stolen goods. Ransaka (Icelandic raun, house), to search a house for stolen goods. This word also means to investigate, and also to examine.

(9) Biltugher vara, to be an outlaw. The condition of an outlaw was hard indeed, because he lost, not only the protection of the government, but also his property, which was confiscated.

OF THOSE WHO SUPPORT OUTLAWS AND THAT THE ONE WHOM THEY HAVE
OFFENDED SHALL INTERCEDE FOR THEM.

...

Now whoever supports them, that is so to be understood, that whoever gives them more than one meal, or assists them in doing anything wrong, after they are outlawed, or shows them any place of refuge, shall pay a fine of forty marks, or deny it with a three twelfth-oath. Then if the case is taken to the king's decision, then shall the county jury find out, what truth there is in the case. And whoever has any communion with them or gives them a meal, shall pay a fine of three marks, or deny it with a twelfth-oath. Now a parish or a fourth of a county, or a whole county has communion with him, then deny it, or pay fine as is herein established for outlaws.

§1. Now outlaws shall remain so, until he, against whom they have offended, intercedes for them, or his heir, or another one, he that owns house and home as was said before. As soon as he intercedes for them, then shall the king grant peace, or he, that has such power from the king, that he may give them peace; then shall they free him by paying forty marks to the king, and that is his own case alone.

§2. Now the county jury shall find out what truth there is in every case of breaking of the king's peace, the county jury of that county, in which the deed was committed.

XI.

OF HOW A COUNTY JUDGE SHALL ANNOUNCE OUTLAWS; THERE AN OATH
WILL NOT AVAIL AGAINST THEM.

...

(10)

Now the county judge shall declare them outlaws at the thing and enumerate them all. The county judge says that he cannot enumerate them; then he shall appoint another day, ascertain the facts, and then he shall on the day, appointed by the jury, enumerate them at the thing, and those that he then enumerates shall be outlaws and shall not deny the accusation. Now he (who has been declared an outlaw) may not take an oath in such a case, no twelfth-oath, no three twelfth-oath, and no two twelfth-oath. Whoever takes an oath in such a case, shall pay fine for breaking the law.

(10) Haerazshorþingi, chief of the hǫrad or county.

XII.

ABOUT THAT HE SHALL NOT WITNESS, WHO RECEIVED THE INJURY, BEFORE THE JURY HAS CONVICTED OR ACQUITTED.

...

Now he, that received the injury, shall not testify, accuse or sue him, that caused the injury, before the jury has either convicted or acquitted; but he shall go to the thing, and make known the case, and then it shall be referred to the king's investigation. Should he give any testimony before, then that is unlawful. Now if the jury convicts him, then shall not the other accuse him, because he is an outlaw. If the jury acquits him from the breaking of the king's peace, then he may afterwards bring an accusation, whether it be for murder, wounds, or bruises, or a light injury; then shall he, that committed the deed, after the jury has acquitted him, for breaking the king's peace, deny it with an oath according to the law of the land.

XIII.

ABOUT THAT EVERY CASE OF BREAKING OF THE KING'S PEACE SHALL BE DETERMINED BY THE KING'S COURT.

...

Now all these cases of breaking of the king's peace shall be settled by the king's court.

XIV.

OF THAT A MAN MAY BREAK THE PEACE AND COMMIT HOME-ASSAULT.

Now a man may make a home-assault and break the king's peace; a man could not make a home-assault before these laws of the king's peace were given.
(11)

XV.

ABOUT THAT A WOMAN CANNOT BREAK THE KING'S PEACE, NEITHER A MINOR, NOR A SLAVE.

...

A woman cannot break the king's peace, because she cannot become an outlaw.

§1. Now a minor cannot break the king's peace. Is he accused of so doing, then shall the jury swear, that he is not a minor.

§2. Now a slave cannot break the king's peace, since he cannot become an outlaw, because, if it were ~~xxxx~~ possible for him to become an
(11) Before the law about home-assault was given, it was considered no crime to do it. Where there is now law, there is no sin.

outlaw, then he would gladly break the king's peace, that he might become an outlaw.

XVI.

OF IF A SLAVE CAN BREAK THE PEACE AND HOW FREEHOLDER SHALL
PAY FINE FOR HIM.

...

Now if he should break the peace, then shall he, that owns the slave pay eight ^{the} ortugs and thirteen marks. Then if freeholder is unwilling to pay fine for him before four lawful things, and four lawful fents, then shall the slave be hung at his gate, who owns him.

XVII.

IF A WOMAN MURDERS HER HUSBAND, OR A HUSBAND HIS WIFE, OR
THEY ARE SUSPECTED OF SUCH.

...

Now it may happen, that a woman murders her husband, or a husband his wife; then shall he be put on wheels, if he does it, and she be stoned, if she does it. Is suspicion against them, then the law decided first, that they should defend themselves with iron^x and God's judgment, but since (12) Birger Jarl removed this ordeal by fire; then it is so established, that if those who bring complaint, wish to wait for the king's decision; then shall he that is complained against be apprehended and both seek a witness; if a true witness in the case can be found; ^{use} or else persuasion, if he himself does not wish to own up to it. Is the whole truth ascertained, or witnesses, or should he himself own up to it; then he shall be put on wheels and she be stoned. Now if he, that brings complaint, does not wish to await the king's decision, but sues and brings accusation, then shall the one, who is accused, deny it with a three-twelfth-oath. He fails of the oath, then he shall pay a fine of forty marks and not lose his life.

XVIII.

SHOULD
IF A FREEHOLDER ~~XXX~~ CHASTISE HIS WIFE, SO THAT SHE DIES THERE-
FROM, AND HOW INHERITANCE IS THEN DETERMINED.

...

Now he ~~may~~ happen to chastise her too severely, so that she dies ^{his will;} therefrom against; then he shall be prosecuted, as is hereinafter

(12) Birger iarl han gaf af iarn byrpina, Birger Jarl removed the carrying of iron^x. This ordeal ~~xx~~ ^{of carrying} iron was practised to a great extent

provided for murder, and shall not be put on ^{the} wheel. Then he has forfeited everything he should have had of her possessions, such as are ~~xx~~ personal property; and the whole of her rightful third, obtained by marriage. Her heirs shall take of his possessions and ^{for her} the fine and it shall never go as inheritance to him, the freeholder, ^{or any} of his descendants, unless they both have children together. Have they both children together, then ~~all~~ the children shall inherit her, and he shall care for the children, who is the mother's nearest relative on the mother's side, if they are not of age, and keep it for the children, under his care, until they become of age. If children of both do not exist, then it shall go to the relatives of the mother, whatever she owned; because no one, who murders, shall inherit the other one. Now the child may die, and has no direct heirs, then the descendants of him, who committed the murder, shall never inherit the other lineage, that is the nearest and received the injury, they inherit the child.

XIX.

IF A WOMAN KILLS HER HUSBAND, THEN SHE TAKES NONE OF HIS
POSSESSIONS AND NO DOWRY.

...

Likewise also if she murders him, then she takes none of his possessions, no dowry, and none of the rights, given her by marriage or gifts, unless they both have children together. If they both have children together, then shall the child inherit him, and the nearest relative of the father shall care for the child, if the child is not of age, and keep it for the child until it becomes of age. If a child of both does not exist, then the father's relatives shall take the inheritance and take all his rights and the fine for the freeholder.

XX.

EITHER THE
IF ~~XXX~~ KILLS [^] OTHER ACCIDENTALLY, AND HOW FINE IS THEN PAID,
OR INHERITANCE TAKEN.

...

either the
if kills, other accidentally, then pay fine as is stated regarding

(13) Hindra dagx gaef, the next day's gift or morning gift. A gift presented to the bride by the bridegroom or his relatives, on the day after the marriage.

finer for accident, and he (who kills) has forfeited everything, as has here been stated, that each of them should share with the other.

XXI.

IF A MAN OR WOMAN MURDERS A CHILD AFTER IT IS BAPTIZED.

...

Now a man or woman murders their child after it is baptized, then he shall be put on the wheel and she shall be stoned, if it becomes known. If the complaint is made before the king's court, then shall such investigation be made in the case as has been stated regarding the other kind of murder, and whichever of them murders, and his descendants, shall lose their inheritance; because no one may murder another for the sake of inheritance.

XXII.

IF A CHILD SHOULD BE TOO SEVERELY CHASTISED, AND HOW FINE IS PAID THEREFORE.

...

Now a child may be treated so severely that it dies, then a fine shall be paid therefore as is provided regarding fine, a life shall not be paid therefore. And nevertheless he, who kills, shall never inherit, whether he kills accidentally or willfully.

XXIII.

IF A MOTHER HAPPENS TO LIE ON HER CHILD, SO THAT IT DIES, AND THE CHILD HAS A STEPFATHER.

...

Except a mother might lie upon her child so that it dies, then she shall not lose her inheritance. The father's relatives may bring complaint against her, whether she laid over her child willfully. Then her relatives shall defend her by a threewelfth-oath, that she did not lie upon it willfully. And if she has so poor relatives, that they cannot bring forth a three twelfth-oath, then refer the case to the county jury, whichever it rather wishes, convict or acquit.

§1. It may happen that she gets married, (after having had children in former marriage), then she shall take care not to place her child in the bed with the stepfather. If it dies in the bed with the stepfather, then she shall lose her inheritance. Now father's relatives might claim that it lay dead in their common bed, and they deny it; then shall the case be referred to the county jury. The jury convicts them, then pay a fine of forty marks, and give out the inheritance.

XXIV.

IF THE CHILD, WHICH IS KILLED, HAS SISTERS OR BROTHERS.

...

If the killing is accidental, then pay fine as is established in code on accidents, and still he has forfeited all inheritance, which he other-⁽¹⁴⁾ wise might inherit, unless the murdered child has brothers or sisters.

Has it brothers or sisters, then they are heirs. Its inheritance shall he, who is nearest related on its side, take care of, - not he that killed or murdered, - and keep it under his protection, if sister or brother is not of age, until they become of age, if their father or mother, who did not kill or murder, is not living.

XXV.

IF A MAN OR WOMAN IS MURDERED AND IS CARRIED TO A HIDDEN PLACE
AND IS HIDDEN.

...

Now a man murders a man, or a woman a man, or a man a woman, or a woman a woman, then carries to a hiding place and conceals them; then he shall be put on the wheel, and she shall be stoned, if they are apprehended, or satisfactory witnesses are found. If they wish to bring complaint at the king's court, then shall he or she be apprehended, and the case investigated with truthful witnesses and by persuasion or inducement. If they themselves want to own up to it, or there are true witnesses, then he shall be crushed on the wheel and she be stoned. Now he, that brought complaint, does not wish to await the king's decision, then shall he, whom the complaint was brought against, bring forth a three twelfth-oath for himself. Is he not able to do that, pay a fine of forty marks and lose not his life.

XXVI.

IF A MAN IS KILLED IN A BED OF ADULTERY, AND HOW HE SHALL BE
TESTIFIED AGAINST.

...

A man is killed in the bed of adultery, bring as witness mattress and sheet; then shall he be tied to the woman and both be brought to the thing.

(14) samsyþini, samsyþskini, regular sister or brother, frater germanus v. soror germana. To our knowledge there are but two languages among the Indo-European languages, that express the idea of sister and brother with one word; that is the Swedish and the German. The Swedish word is "syskon" the German word is "Geschwister".

Witnesses shall testify against him. Two men shall testify, that he was killed in the bed of adultery; two others, that it was clearly presented before witnesses on the same day and night; the third two shall testify, that he was prosecuted as the law declares. Then he shall be buried outside the cemetery and judged without rights. Now he is not testified against before he is dead, then shall the heirs take the property; is he testified against before he is dead, then his personal property shall be divided, the heirs shall take his land. The freeholder may, according to his discretion, keep her or let her go. She has forfeited everything that she possesses above the ground, dowry and all personal property except the land.

XXVII.

IF A MAN ATTACKS ANOTHER ON THE FIELD OR MEADOW.

Now one goes to another, on his field in the spring, or on his field or meadow in the fall, and kills him, then he shall pay a double fine, and all his servants, and all that which belongs to him, shall be brought to him without rights.

§1. Whoever takes vengeance on the case that has been judged invalid, he breaks the king's peace, if he causes bloodshed.

XXVIII.

IF A MAN IS UNLAWFULLY BEHEADED, HUNG OR STRANGLED ON WHEEL.

...

Now a man is unlawfully beheaded, hung or strangled on wheel. Then he who did it, shall pay fine as is declared in the code on murder, and those, that testified against him, shall fast, pay a fine of six marks, and then for the bands, forty marks. If he is put in stocks, so that his feet become rotted, then shall they pay another forty marks' fine. Is he put in stocks comfortably, pay a fine of three marks, and he that judged him, pay a fine of forty marks.

XXIX.

IF A MAN IS ACCUSED OF MURDER, AND IT IS SEEN ON THE CORPSE,
WHEN IT IS NEWLY FOUND, OR WITHIN A MONTH.

...

Now a man is accused of murder; is the man's deed seen on the corpse, either when it is recently found or when it is found within a month, then shall the heirs bring complaint against him in the manner provided in code of murder, and is he not able to oppose a three twelfth-oath, then shall the county jury find out, what truth there is in the case. Is there

no mark to be seen on the corpse ~~xxxxxxxxxxxx~~ within a month, when it is recently found, then shall he, against whom the case is brought, deny it with a three twelfth-oath. If he fails of the oath, then pay a fine of forty marks. His property shall not be divided, nor his life given.

XXX.

IF A MAN IS FOUND, WHO LEADS A FOREIGN ARMY INTO HIS LAND.

...

Now a man is found, who leads a foreign army into his land, carries shield over the hills⁽¹⁵⁾ into the land, ravages his ownland, and burns, binds people and carries them away; he is convicted by witnesses, then he has forfeited his property and his life and everything he owns within land and jurisdiction. Of his possessions shall he, who was injured, take ^{one} a third, the king the second, and the county the third part. When a man is accused of such a deed, then shall six resident freeholders witness against him and swear, that he is truly guilty.

XXXI.

IF A MAN SMUGGLES FIRE INTO ANOTHER'S HOUSE, AND HE IS ACCUSED OF THIS, OR ADVICES SOME ONE ELSE TO DO IT.

...

Now a man smuggles fire into another's home, and wishes to burn him in his home. The one, who so does, shall be called an incendiary. Is he taken in the act, with a brand in his hand, then he may be ^{shoyed} into the fire lawfully. And he has forfeited his property and everything he possesses within the land and jurisdiction. A third shall be taken by him, for whom it burned, the king another, and all men a third. When such a case is brought against a man, then shall six resident men testify against him, and take an oath, that he is truly guilty.

§1. Now a man is accused of having advised them to commit such a deed or the like, then he shall defend himself with a three twelfth-oath. Is he not able to take the oath, then pay a forty marks' fine and not his life.

§2. Now he is not caught in the act, but suspected of such a case, then that is a three twelfth-oath; he fails of the oath, pay a fine of forty marks, neither his life, nor his land.

(15) The words in the text are: *uir pang ok panbricko*. Dr. Schlyter thinks that the word *pang* means wrack; others that it means a certain hill covered with woods. See Dr. Schlyter's *Bihang* to his *Ordbok*, p. 813, 814.

XXXIII.

IF A MAN STEALS GRAIN FROM THE OPEN FIELD, AND BREAKS GOD'S LOCK.

...

Now one steals grain from the field and breaks God's lock, binds himself a burden, carries it into the granary, or in the woods and threshes it. He is called a chaff-back. Is he caught in the act and lawfully convicted, he has forfeited his life, his property, and all he possesses; it shall all be divided. The prosecutor takes a third, the king a third, the county a third. He shall go to the thing, witnesses shall appear against him; two shall take an oath, that he is the thief in this case; two others shall take an oath, that when he stole it was lawfully referred to witnesses; and the third two, that the full theft was bound upon his back. Is the chaff-back not taken in the act, then it is a three twelfth's case. If he fails of the oath, pay a forty marks' fine and bring back what he took.

XXXIII.

IF A WOMAN IS MURDERED DURING A HOME-ATTACK, AND HOW HIGHLY SHE
SHALL BE VALUED.

...

Now a woman is killed during home-attack; then the same rules shall apply, which have before been established about home-attack, and she is valued at eighty marks. Now those who have right to plead the case, shall testify that she was with child, then she is valued at one hundred marks. Can they prove that she was with twins, then she is valued at one hundred sixty marks.

§1. A man is killed on board a ship, he is valued at eighty marks.

XXIV.

IF A MAN IS MURDERED ON THE OPEN SEA, AND SUNK UNDER WATER.

...

Now he is killed at open sea, then he is valued at one hundred marks; is he (the body), thrown into the sea, then he is valued at one hundred sixty marks.

CODE ON MURDER.

.....
 HERE BEGINS THE CODE ON MURDER, IN WHICH THERE ARE TWENTY-ONE
 CHAPTERS.

I.

HERE BEGINS THE CODE ON MURDER.

IF A DISAGREEMENT ARISES BETWEEN MEN AND THEY KILL EACH OTHER.

...

Now dispute arises between men, and they kill each other. There lies man for man. The heirs of both shall pay fine to the king, eight örtugs and thirteen marks each, and likewise to the county.

II.

IF A MAN KILLS ANOTHER AND HOW THE MURDERER SHALL BE IMPRISONED,
 (1)
 OR IF FEUD-FINE IS PAID.
 ...

Now a man kills a man, the heirs of the murdered man come there to obtain inheritance, apprehend the murderer, and cut him down at the feet of the dead man. Then there lies man for man, and the heirs of him, who killed first, shall pay a fine both to the king and to the county, as has been said before, and the same family, that killed first, shall pay feud-fine; and his heirs, who afterwards killed, they shall neither pay fine to the king nor county, and no feud-fine, if they killed the true murderer.

§1. Now they apprehend the murderer, and do not kill him immediately, then they shall bring him to the thing; they shall not bind his arms, neither put him in stocks, unless he is the murderer. They shall keep him in prison according to the law. This is lawful imprisonment: Shackle and put his arms in manacles, keep him within locked doors, and guard the house. Now men, who are his relatives, might come and desire to take the murderer by force from them. If they take him by force, then they break the king's peace or if they take him by force at the thing, or on the thing-road, then they also break the king's peace. If they take him by force but neither at the thing nor at the home, then they have broken the law of hostage. Whoever is the leader is liable to forty marks, and whoever is in the crowd or company, then he shall be testified against as is hereafter described, and

(1) Fines paid by the relatives of the murderer to the relatives of the murdered, in order to end the feud that existed between them.

afterwards he may, lawfully, be beheaded.

2. Now a murderer must not be taken in his own home, or in another man's home, unless they take him immediately in the act of murder. That is so to be understood, that if they are near by, then they may take him and not go out to another house after him, unless he is an outlaw; if he is an outlaw, then shall those, who wish to capture him, keep watch over the home, in which he stays. They shall not then take him by force. They shall notify the county judge.

(2)
County judge shall cut a message stick and go there with the county men. Now if he, that keeps the murderer, drives them off the guard, or turns away the county judge, then he has broken the law of hostage; then shall he, who is the leader, pay a fine of forty marks, and each one, that was along in the crowd and company, shall pay a fine of three marks. He who desires to defend the murderer may be wounded; then is everything that he gets without rights. Should he not get hold of him, then the county judge may break the door, and take him out by force, and bring him to the thing. Let testimony be brought against him and then have him beheaded. Freeholder notifies the county judge and he does not come, nor he that is in his place. Then shall the freeholder cut a message-stick and inform the judge of the fourth of the county, and then they shall grant him the same right, which he should have from the county judge and then shall the county jury decide, whether the county judge was informed or not, or if he had a true hindrance, or the one who was in his place. Has neither he nor the one, who is in his place, a hindrance, pay a fine of forty marks. Then the plaintiff takes the eight örtugs and thirteen marks, and the king and county likewise.

III.

IF A NATIVE KILLS A NATIVE, AND HOW THE MURDERER SHALL BE
WITNESSED AGAINST, OR HOW HE SHALL BE SUED.

Now a native kills a native. He that killed, has forfeited his peace.

(2) Skall þu þ kafa up skæra, i.e. shall cut up a message-stick. When a message was to be sent, a rod or stick was used, and upon this message-stick, runes or signs were inscribed, stating the object or the information to be conveyed. This message-stick was to be carried from one place to another, until it arrived at its destination.

and forfeited all which he possesses in the land and jurisdiction, except his land. Then a single thing shall be set for the murderer and at the first thing bring accusation to deprive him of his freedom. Two men shall testify, that it was referred to witnesses on that same day and night, as it should be according to law; the third two shall testify, that a lawful thing was called for this very deed. They shall be freeholders and resident men; only he shall endanger another's home, who has something of his own to risk, neither single men nor men servants. He shall be taken for murder, who was at the place of combat, and none other; unless a nobleman sends his man, or a freeholder his slave to commit the murder, then they may take either one they please, him who was sent, or him who committed the deed.

§1. Now the plaintiff does not want to bring an accusation within a year, and comes the one to the thing, who killed, within a year and acknowledges the murder; then the county is without guilt. After the acknowledgment is made, then take him who is truly guilty of the murder. Even though the year is out, prosecute nevertheless, as is provided in cases of murder. If he does not acknowledge within a year and the other does not sue, then the county is liable to pay forty marks to the king for murder. The plaintiff shall then neither bring lawsuit nor take vengeance.

§2. Now one brings a lawsuit against another for murder, and he, that the complaint is brought against, says that he himself was not present, when the man was killed. The accused shall present an oath against the complaint and prove his whereabouts at the time when the murder was committed by him, with six men, who certify his place of abode, on the day when the other swore the case against him. Afterwards his home shall stand as a pledge. Then shall they swear a twelfth-oath after each witness, at the tenth, that is three twelfths respectively, and take an oath, that the others who swore before, they swore both truthfully and lawfully. Can either of them not take a twelfth-oath, then the case falls as a loosened burden⁽³⁾. Those, who swore among those witnesses, for whom it falls, shall fast and pay a fine to the plaintiff, and county, and king, and bishop. Now if they both swear a twelfth-oath, then shall the county jury find out, what truth there is in it. Now the county jury acquits the murderer, and convicts him, that brought the lawsuit, then shall they show him the real murderer, or the county shall pay fine for the murderer.

(3) *pa falzs faetillös byrpe*, then it falls as a loosened burden, or when the bands are loosened, then falls the burden.

§3. Now he acknowledges that he was at the place of combat, when the other was murdered, but did not will or cause his death, then Birger Jarl did thus establish by law, that he shall bring three twelfth-oath at the femt, as has been stated.

§4. Now if he, that is accused of the murder, will not take the oath, neither when the law-suit is brought against him, nor at the femt, then shall the other not take a twelfth-oath after his witnesses. The murderer's home shall be divided, and he himself shall be an outlaw, within the whole jurisdiction of the thing, which made him an outlaw, and no further; unless those, who brought the complaint, go to the Lionga-thing and testify there with two men, that law-suit was brought against him at the county thing for his true deed. Then he shall be an outlaw within the whole jurisdiction of the Lionga-thing and all those, who at the Lionga-thing, were made outlaws.

IV.

IF A MAN HAS COMMUNION WITH AN OUTLAW, OR IF HE DIES AS AN OUTLAW.

...

Now whoever has any communion with him, after he is made an outlaw, and lawful announcement has been made in the county; ~~is~~ it a man, then pay a three marks' fine, or deny it with a twelfth-oath, that he had not communion with him after he knew that he was an outlaw. Now if the whole parish has communion with him, then pay a fine of three marks, or deny it with the church council as has been enacted. Now if one-fourth of a county has communion with him, then pay a fine of ten marks, or deny it with a jury of a fourth of a county, as it is enacted. Now if the whole county has communion with him, then pay a fine of forty marks or deny it by the county jury as has been enacted.

§1. Now if he has paid fine to the king or county or to the plaintiff and not to all three, then shall those, who have communion with him, pay his lawful fine, which is not paid and no more.

§2. Now he obtains an inheritance after he has become an outlaw, and his home has been divided, then shall not that be divided, which he afterwards inherits; it shall stand undivided and await him. Dies he in the state of an outlaw, then shall his heirs take it and all that he inherits afterwards is divided between the heirs.

(4) vighualder, the location, where a fight or combat has taken place.

3. Now a man commits a crime while he is an outlaw and dies an outlaw, then every such case dies with him. If he returns in peace, then he shall pay fine for the crime he committed while he is an outlaw. If they bring complaint against his heirs and say, that he was not an outlaw, then shall the heirs have right to prove with a three fourteen-men-oath, that he died in the state of an outlaw and therefore I am not obliged to pay fine for him.

4. Now for whatever cause a man becomes an outlaw, then shall those pay such fine, who have had communion with him, and in all those cases, which concern an outlaw, they shall pay fine as is now established.

V.

ABOUT HOW A MURDERER'S PROPERTY SHALL BE DIVIDED, OR ONE TAKES AWAY SOMETHING FROM THE ESTATE, AND ABOUT FINES FOR HOLDING A PERSON AS A MURDERER.

A murderer's property is to be divided. His wife's portion shall not be forfeited nor his children's, and he himself shall not effect a division between himself and his wife, nor between his children and himself after he has committed the crime. When his property is to be divided, then the king's prosecutor shall be present, and the plaintiff, and the county judge. And the relatives of the wife and the children shall be present. Now they disagree. They declare the dowry to be larger, and the prosecutor says it is less; then shall her relatives by a fourteen-men-oath, declare that so much was given to her as a dowry on the eve of marriage, and reported at the meeting of betrothal. Now the children say that a lawful division had been made with their father, before he committed the deed, and the prosecutor denies this. They shall then prove by a fourteen-men-oath, that they had lawfully divided with him before he committed the deed. If it be a freeholder's son that murdered and the king's prosecutor says, that he has had no lawful division with the freeholder, then it is the duty of the freeholder, to prove by an oath of fourteen men, that he had a lawful division with him. It is not lawful division if he sends him to sea, nor in court-service. He shall place at his disposal, a ready built house; then he has effected a lawful division with his son. Has he not built a home for his disposal, then he shall give him cattle, that is quick-property, wherewith a home shall be built. When these oaths, that are now established are taken; then shall the king's prosecutor and the plaintiff, and the county judge be present, because they are all plaintiffs.

at that case. Now they keep away something at the division of the property; pay therefore three marks or deny it with three twelfth-oath. And he, in whose house it was taken, shall deny also with a twelfth-oath, or pay a fine of three marks.

§1. Now one holds and another murders, then shall accusation be brought against him on the same day as against the murderer, and witnesses shall be brought against both of them. If the one who holds at the murder, pays fine at the lawful feat, twenty marks, then he shall keep his liberty. He pays no fine; then shall his home be divided; then two flee for one. Now the one who held at the murder, desires to take an oath, then he shall take the oath in the same manner which has been established for the murderer if he wants to present an oath against the accusation. Now he, that holds at a murder, flees, and stays away three years. He has the same case against him, for which he fled, that is twenty marks. And the murderer can never return in peace, before his right heirs intercede for him, except when a king is recently chosen king and is riding his circuit and receives the homage, that is forty marks from each county. He may then grant liberty to three men, to such an extent, that those shall not pay fine, who have communion with them. They are always without rights before the right heirs of the murdered, until they have paid fine to them.

VI.

IF A MAN IS ACCUSED OF ROBBING THE DEAD, AND OF ADVICE, AND ASSISTANCE, AND PRESENCE.

...

Now a man is accused of robbing the dead, and it is taken in his hands; then that is a forty marks' case. It is not taken in his hands, that is a twelfth-oath or a three marks' fine. So it shall be also for advice and for assistance, and for presence.

VII.

ABOUT HOW FEUD-FINE SHALL BE PAID, AND HOW ONE SHALL TAKE VENGEANCE UPON ANOTHER.

...

Now that family that attacks, shall pay feud-fine; that is six and

(5) *riþær eriks gatu*, to ride the Erik's circuit. It was the custom of the newly chosen king, to ride through the principal provinces of his kingdom to receive homage. It is uncertain when or through whom this custom was introduced.

one-half marks and four örtugs. The relatives on the father's side shall pay two portions as fine, and the mother's relatives one third. Is there a brother of the same father or mother in existence, then he receives or pays half of his portion before the rest, whether it be the son of a free woman, or the son of a concubine; then he, that is next to him, receives or pays half as much as the rest; then all those who belong to the family, until the seventh man, then pay man as man. Feud-fine shall be taken as it is paid; father's relatives, two portions, and mother's relatives, the third. And then he, who is nearest on the father's side, shall receive half with the father's relatives, and half the one that is next to him. Now the one who is nearest to him on the mother's side, shall receive or pay as fine half of the third, likewise he that is next, he shall pay as fine half of what is left to the third, or deny with a twelfth-oath, that he was not so related to the murderer, that he owes feud-fine for him.

§1. Now a feud ~~may~~ arises between men, and they all attend one church. When the one, who seeks to take revenge, stands within; then shall the other have right to stand outside. Now if one stands on the south side of the church, then shall the other have right to stand on the north side. Now both attend ^{the same} ~~one~~ thing. Then he, upon whom he desires to take revenge, has right to go another way to the thing, and answer his case, if he is called to the thing, or plead his case at the thing. Then he shall leave the thing, and thus he may have meeting with others without guilt, but not otherwise; unless he goes with a promise of peace. Whoever approaches another in a different way, he is liable to three marks, or deny it with a twelfth-oath that he did not approach him unlawfully.

§2. Now the relatives of the murderer, shall sue their relatives for feud-fine; the relatives of the father, the father's relatives, and the relatives of the mother, the mother's relatives. The relatives of him, that was killed, shall seek vengeance till fine is paid, and not bring accusation; always seek vengeance upon the father's relatives, to obtain two portions of the fine, and also upon the mother's relatives, until they obtain a third of the fine.

VIII.

IF A FREE-BORN AND A SLAVE COMMIT MURDER, OR MAN AND WOMAN,

AND WHO SHALL BE APPREHENDED FOR THE MURDER.

(6) ...

Now a freeborn and a slave are accused of murder, then shall the

(6) annöpugher, servitude placed upon anyone because of need; a person in need or servitude; a slave.

free-born and not the slave be apprehended for the murder. A man and woman are accused of the same murder, then shall the man be apprehended for the murder, and not the woman. Now a woman shall not be testified against for holding in murder.⁽⁷⁾

IX.

IF A MAN KILLS A WOMAN, OR A WOMAN A MAN, AND THE KILLING OF A WOMAN OR A MINOR NEED NOT BE FOLLOWED BY FEUD-FINES, AND NOT A LORD'S FINE FOR INSULT, NO OWN CASE, AND NO BREAKING OF THE KING'S PEACE.

...

Now a man murders a woman, then everything about it shall be as before decided, if a man had murdered a man. Now if she had a lawful husband, then shall he, who is her husband, bring accusation against the murderer and take the fines and divide the property. If she has no husband, then shall her heir prosecute. If he is not of age, then shall his guardian bring accusation.

§1. Now a woman murders a man and the relatives of the man wish to take vengeance; then they shall not take revenge upon her in any of those cases which have before been mentioned. If they take vengeance on her immediately, or if they break no peace, then lie without rights for her own deed. A woman shall not be brought to the thing, and not be beheaded for murder. If he wishes to prosecute the woman because of murder, then shall her guardian be summoned, to a single thing as was said before. If the accused wishes to offer an oath in defence, then swear as was before said. Now he wishes not to offer an oath, then she has forfeited forty marks. A woman shall not become an outlaw and her property shall not be divided. If her guardian pays fine in the lawful fent, then he shall pay ^{fine} of her own, while it lasts, and then of his own. If he pays no fine in lawful fent, then shall his property be divided and he become an outlaw.

§2. Fine for vengeance shall not follow a murder by a woman. A woman or a minor murders a man, there follows no lord's insult, ^{fine} and no own case, and no fine for breaking of the king's peace.

(7) halzsbaend, such a participation in a murder, as takes place, when one holds the victim while another kills him.

IF A FOREIGNER IS KILLED, THERE FOLLOWS NO FEUD-FINE, NOR FOR
HIM THAT IS FREED.

...

Now a foreigner is murdered. He is valued at forty marks. He shall not be outlawed, and his property not be divided, for such a murder, because he shall not flee from his relatives, and for the relatives of him whom he murdered. There follows no feud-fine, Feud-fine shall not be paid him ^{for} that is freed with payment and the oaths of relatives. If he wishes to prosecute for the murder, then he shall call a single thing, as is before established. If he wishes to take an oath, then he shall so swear as was before established. Is he unwilling to take an oath, then he shall pay a fine of forty marks. Is he unwilling to pay fine at a lawful thing and lawful fent, then since he was prosecuted; he shall be outlawed and his property be divided.

§1. Now a foreigner is living there, and happens to kill another; then the same rules shall apply to what he does, as if it had been done unto him.

XI.

IF A MAN IS KILLED IN THE WOODS, OR AN OUTLAW KILLS A MAN IN
THE WOODS.

...

Now a man is murdered in the woods, and no one knows who murdered him. Is he willing to prosecute, who should plead the case of the man, then he shall sue the village, that owns the land, and the village shall notify the county, and the county bring forth the man who owns up to the murder. Now he who murdered, comes forth and wishes to own up to it, then shall the county judge be notified and he shall cut a message-stick and follow the man to the thing. He shall at the thing acknowledge, that he is the true murderer of the man. He shall be guarded to and from the thing, a mile ⁽⁸⁾ on water and a mile on land. Now no one comes and confesses the murder, within a year, then the county is liable to forty marks. If the man's heir comes within a year, and proves his case lawfully, then he is entitled to take thirteen marks and eight örtugs. Then he shall bind his case by thing meetings; call three things and three fents, the fourth a Lionga-thing. At the Lionga-thing shall his witnesses appear. Two shall prove at the

(8) viku at yatne alla röst at lande, a mile on water and a mile on land.
Isl. vika síðar, a certain distance on the water, a mile on sea. Rast,
[Isl. röst], a distance of about the same length, a mile on land.

thing, that upon the property of that village he was murdered; two others shall prove, that it was lawfully referred to witnesses; and the third two shall certify, that a lawful thing was called. Of that fine the king takes twice thirteen marks and twice eight "örtugs, and the right heirs a third. Therefore the county does not get it, because it does not take him that should pay fine. If he comes not within a year and prosecutes, as is now said, then shall the king take ~~all~~ the whole fine for the murder.

§1. Now an outlaw murders a man in the forest, and goes to the village and finds a freeholder and acknowledges his deed. Now I will go to the thing and acknowledge the murder. Then shall the freeholder take him in custody and cut a message-stick. The freeholder shall then follow him lawfully to the thing. There they may all have a thing lawfully with the outlaw. Now they meet, who have right to take vengeance on him, kill him and take his life. There lies man for man, and those, who murdered him, shall pay a fine of forty marks for breaking the law of hostage. There an outlaw shall have rights. There he takes the right, who took him in peace. Is it the county, then it shall have the plaintiff's right; is it the freeholder, then he takes the plaintiff's right.

XII.

IF A CASE IS BROUGHT AGAINST A COUNTY FOR MURDER-FINE.

...

A case is brought against a county for murder-fine, then shall the county jury prove, that he dies of hunger and sickness, and not by the hand of man, or that the true heir brought up the case at an appointed thing within a year, or that an acknowledgement was made within a year. Can they not do this, then shall the county promise murder-fine. It shall be paid per capita, all free servants shall pay it, man by man, those who are fifteen years and are males; all those who pay murder-fine; for them murder-fine shall be paid, if they are murdered and for no more. The county judge shall give the number of men, and each shall pay murder-fine as is ^{paid} declared. A man sits still and does not pay murder-fine, pay therefore a fine of three "öre. If the whole county fails, pay therefore three "öre and out with the murder-fine.

XIII.

IF ONE IS KILLED WHO IS CALLED A BEGGAR, OR ONE THAT IS FREED
BY PAYMENT AND THE OATHS OF RELATIVES.

...

Now a man is murdered, who is called a county-beggar; that is a man,

who goes between the holy men, and to his relatives, and has no permanent place of abode. He is valued at forty marks, he shall not become an outlaw, nor shall his property be divided.

§1. Now a man is killed who has been freed by property and the oaths of relatives, he is valued at forty marks; the property of him, who killed him, shall not be divided, nor shall he become an outlaw, if he wishes to pay fine, that killed him, after he is prosecuted at the thing and fent.

§2. Now a slave murders a free man, there shall the man's heir take a third of forty marks; there the peoples' case is fallen, and the king's also. A slave cannot testify, and is he, who owns the slave, able to deny it with a twelfth-oath, then he is guiltless. Can he not do that, then pay fine as is established. A home-born slave can testify, because his home may be divided, if he murders a man. The freeholder is unwilling to pay for him, at the thing and fent, then judgment shall be passed at the thing to the effect that they shall take an oak-twigg and bind it around the neck of the slave and hang him at the gate post of the owner. If he is cut down before the twig rots away, he is liable to forty marks.

XIV.

OF FINE FOR STEWARDS IF THEY ARE KILLED, AND OF FINE FOR INSULT
TO A LORD, IF HIS MEN ARE MURDERED.

...

Now the king's steward in Upsala is murdered. He is valued at forty marks. The king shall take them; thus Birger Jarl declared in the law. Before it was twelve marks.

§1. The earl's steward at Roden is murdered. He is valued at nine marks. the Jarl shall take them.

§2. The bishop's steward is murdered at the bishop's estate. He is valued at nine marks. The bishop shall take them.

§3. The law-man's steward is murdered. He is valued at six marks. Then in order to be valued at so much, he shall have a coachman, cook, and furnish a forty seated vessel at his own expense.

§4. Now he is murdered, who takes a pawn in the house of a freeholder, who owns the property; lie without rights. Is he murdered outside of his home, who owns the property, he shall be valued as is established.

§5. A freeholder's inspector is murdered, he is valued at three marks. The freeholder shall take them. Now one calls him inspector and another a partner. Then the freeholder shall have right to certify with an oath of

fourteen men, that he was a partner and not an inspector. The partner shall be so valued as the freeholder.

§6. A king's man is murdered. He is so valued as was before said, regarding a free man, and, besides, fine for insult to the king. This was before twelve marks and afterwards Birger Jarl did so establish by law, that it should be forty marks. It was in this way before, that if he were murdered on board a ship, or at the end of a bridge, or within the county, then offense-fine should be taken, but not otherwise. Then was thus declared in King Erik's law, that wherever he was killed, there shall offense-fine be taken by those, who had right to take them.

§7. A duke's man is murdered. Then he is valued in the same way as was before declared about a free man and the offense-fine is nine marks. The duke shall take them.

§8. A bishop's man is murdered. He is so valued as has been established, and the bishop's offense-fine is nine marks.

§9. Now a law-man's man is murdered, who (the law-man) has a coachman, cook, and a forty seated vessel at his own expense. Then he is so valued as has been before said. And the fine for insult is six marks. Then shall he take, whom he served.

XV.

IF A MAN KILLS ANOTHER, WHEN THE KING IS IN THE LAND, OR
HE KILLS A MAN WITH A KNIFE.

...

Now a man murders a man, when the king is in the land, and he knew that he would come in the land; then he makes his own case worse by forty marks; that is the king's own case.

§1. Now a man murders another with a knife, he makes his case worse by forty marks. That is the king's own case.

XVI.

IF A HOME-BORN KILLS A FREE-BORN, OR A FREE-BORN A HOME-BORN,
OR A FREE-BORN A SERF.

...

Now a home-born slave murders a free-born; he has forfeited his home. It shall be divided between the people, the king, and the heirs, and he has forfeited eight marks of his, who owned him. Then the right heir shall take.

§1. A free-born murders a home-born, pay eight marks to him, who owned him.

§2. Now a free-born murders a serf, pay a fine of three marks, such

as he shall be freed with; that is six marks in money or three marks worth of woollen cloth, twelve cubits at an ore, or four good kine; oxen, which have worked three springs, a cow that has born three calves.

XVII.

ABOUT THAT A FREE-BORN SHALL NOT BE TESTIFIED AGAINST FOR THE MURDER OF A SERF, OR WHEN A VOLUNTARY SLAVE IS KILLED.

...

Now a free-born shall not be witnessed against for the murder of a serf, but he shall deny it with a twelfth-oath or pay a fine as is established, and a free-born shall not testify about the murder of a home-born slave.

§1. Now it may happen, that a free-born and a slave murder each other, then the free-born has rights, and the slave is without rights, because he was not free-born.

§2. Now a voluntary slave is murdered; he is valued at three marks, unless he gives over the inheritance who holds it, and the relatives prove by an oath of fourteen men, that he was not a voluntary slave.

XVIII.

IF A TRAMP IS MURDERED, OR JUGGLER, OR A MINOR KILLS A MAN.

...

Now a tramp is murdered, that is a man, who goes with a staff or ringing bells; he is valued at three marks.

§1. Now a juggler is murdered, then pay to the heirs as fine, a three years old heifer, and buy him new gloves and new shoes and grease both. Then they shall take the heifer and lead her upon a hill, place the tail in the hands of the juggler's heir; then shall the freeholder strike her with a whip three times. Is he able to hold her fast, keep her as his fine. If she slips away, then ~~xx-xxxxx~~ all the satisfaction slips away.

§2. Now a minor murders a man, that is a third of a ^{people} forty marks case. The plaintiff takes it and neither ~~man~~ nor king. One says he is a minor and another ~~xxx~~ denies it. Then he has right, who can prove by an oath of fourteen men, that he is a minor. There the people's case is fallen and the king's case; there follows no oath on accident. Whether ^a he murders a man or a woman, citizen or a foreigner, accidentally or willfully, then pay fine as is established.

XIX.

ABOUT THAT A MINOR MUST NOT BE CONVICTED OF MURDER, OR A MINOR
MURDERS A MINOR.

...

Now a minor must not be convicted of murder; if his guardian wants to deny for him, then deny with a three twelfth-oath, or pay fine for him as is declared. Now a minor murders a minor, then pay fine as is established.

XX.

ABOUT THAT WHOEVER KILLS ANOTHER FOR THE SAKE OF OBTAINING
INHERITANCE SHALL NEVER INHERIT, OR ONE DESIRES TO PROVE
THAT ANOTHER HAS RECEIVED.

...

Now he shall never inherit, who murders another to obtain inheritance.

§1. Now one desires to prove, that another has been satisfied ~~wizhza~~
by fine, he shall prove him to have received fine with thirteen warranters
and thirteen twelfths, and two witnesses with each oath. Then each war-
ranter shall thus take an oath, and fourteen with each one, that he was
a warranters of one mark, and that ^{*It was paid and this.*} ~~the thirteenth mark was paid~~, that he
was a warranters of one mark and eight ortugs, and fourteen men with him,
that the case was settled and fined.

XXI.

IF A SLAVE KILLS A SLAVE.

...

Now a slave murders a slave. He that owned the murderer shall pay a
three marks' fine, such as he shall be freed with; that is six marks in
money, or three marks' of woollen cloth, twelve cubits at an ore, or four
good kine, as has been declared. Now if he, that murdered the slave, wants
to prove that he has paid the fine, then prove it with an oath of fourteen
men.

CODE ON ACCIDENTS, ETC.

.....

HERE BEGINS THE CODE ON ACCIDENTS AND CODE ON WOUNDS, ADULTERY, ROBBERY, AND THEFT; IN THIS THERE ARE FORTY-ONE CHAPTERS.

.....

I.

ABOUT HOW OATHS IN CASES OF ACCIDENT SHALL BE TAKEN, AND OF OTHER CASES OF ACCIDENT.

...

Now a man is inflicting a blow on a man; another is struck and is wounded. No more than one blow shall be considered accidental. From one stroke there ^{may} ~~shall~~ be two wounds. If it strikes the hand or head, that is the greatest accident. It is twenty marks and a twelfth-oath, that it was accidental and not willful. To this all shall swear and no one be excused. All shall be done at one meeting: oath be taken and fine paid. It is not considered as accidental, unless both are willing, he that caused the blow, and he who received the wound. Both shall swear to the same thing in the oath. There the king's prosecutor shall be present. He that caused the wound shall notify the king's prosecutor with two resident men as witnesses. If he comes not to the oath, though he was notified; then take his oath and be without guilt. If he is not informed, then the oath is unlawful, if they take the oath, when the king's prosecutor is not present. Now he that caused the wound declares, that he informed him, and the king's prosecutor denies it; then it is the freeholder's duty, if the king's prosecutor brings accusation, to prove it with an oath of fourteen men; the two that should have notified the king's prosecutor, that he should have come to the court and twelve afterwards. Now the king's prosecutor does not bring accusation, but desires to await the king's decision, then shall the county jury find out, what truth there is in the case. They shall all take oath on the same day and pay money as fine. From such an oath shall no one be excused. What has now been prescribed regarding this oath on accident, shall also prevail in the same manner regarding every case of accident, murder, full-sore, injury, and infringement of personal security.

§1. A man hurls a spear or stone. Whither comes down before it causes an injury; that is twenty marks and an oath on accident. If they come down before they cause any harm, that is a real accident, that is a six and one-half marks' case, and four örtugs, and no oath on accident. Now a man throws a spear or a stone over a house, and does not see where it comes down; that is a real accident.

(2)
§2. Now a man puts up a spear, makes a snare or trap, erects a fence, digs a well, builds a mill or bridge, falls another from these works and is killed, if the works do not hold; he lies without rights. They do hold him fast till he dies, then they hold the owner to half fine. Now a man falls in a mill and is killed, ^{or} He gets away from this and under another, then shall he pay, who had the mill that held him fast. Then he shall notify those that owned the mill, in which he was killed. There he has right to deny it with a twelfth-oath, that he was not killed by his handiwork. If several have part in that mill or works, which held him fast, then shall they pay fine according to the part they own of them, or join in the debt with him.

§3. Now a freeholder's servant drives to the woods, and the load falls upon him. Then lie without rights on his own dead.

§4. Now a miller falls in the mill and is killed; he, (the miller), that takes a part of the toll, is valued at three marks. If he burns the mill down accidentally, then it is also valued at three marks. Now if another man falls under the mill, who does not take a part of the toll or tax, he is valued at one-half fine.

(1) handlös, loose from the hands. Kasta stene handlösurn, to throw a stone without any special object in view. Handlös vapi, an accident caused by a stone or spear, after it has fallen to the ground, and takes another course.

(2) The words in the text are: Nu draghaer man spiut. This refers to the way of putting up a spear for killing wild animals. The animal would thus kill itself.

(3) halda till bana, to hold until dead. The works might hold a person fast, so that he could not get loose until he was dead.

(4) fraels, a free-born man. Fräls is a contracted word of fri (free) and hals (neck), therefore free-neck, or one who is free from yoke or bondage.

§5. Now men cut down a tree, it falls and one is killed thereby. He is valued at one-half fine, six and one-half marks and four "örtugs. In their fine shall his lot be first left, and those who did the cutting with him, shall pay what is lacking. Now accusation is brought against them, that they were cutting together with him, who was killed by their handi-works. then they have right to deny, that he was not killed by their handi-works. Are they not able to do it, then pay one-half fine as was before prescribed.

II.

IF A MAN IS KILLED BY A HORSE, OR ANIMALS OF ANOTHER.

...

Now a dog bites or a horse kicks a man to death. An ox gores, a boar bites; from whatever animal, belonging to a man, he is killed, then that is valued at six and one-half marks and four "örtugs. The animal that kills shall first be taken as fine, except dog and man. Now an accusation is brought against a man, that another was killed by his animal. Then he has right to deny it. Is he not able to deny it, then pay half fine as is prescribed.

III.

IF A SERF, SLAVE, OR A HOME-BORN SLAVE, WOMAN OR MINOR IS
KILLED ACCIDENTALLY.

...

then

Now a serf is killed accidentally; he is valued in the same manner as in willful killing. Now a slave kills accidentally, freeholder shall pay fine in the same way for accidental as for willful killing. A home-born slave is accidentally killed or kills, then he shall pay in the same manner for accidental as for willful killing.

§1. Now a woman or minor is accidentally killed, or they kill accidentally, pay fine as was before declared, as if a free-born man had done it, unless their guardian fullfills the oath for them.

§2. In all cases on accident, no fine for insult shall be paid, and not for an own case.

IV.

IF A MAN OR WOMAN STEALS, AND HOW MUCH THEY SHALL BE HELD FOR.

...

Now a man or woman steals and forfeits their liberty. Whatever they (5) I.e., he who holds them in servitude shall answer for ~~them~~ all their crimes, while they are his slaves, if the fines therefore are not larger than the one for which they lost their liberty.

do in such important cases, for which they are held, then he who holds them
 (5)
 in servitude shall answer for them. The fines rise higher than they are
 bound for, then shall the family, (to which they belong), both take and
 pay fine for them.

V.

IF A MAN IS WOUNDED THE GREATEST WOUND.

...

Now a man is wounded the greatest wound, he is castrated; he is entitled to forty marks for his wound, and forty marks for his blemish, and forty marks for the son he might get, and forty marks for the daughter, and he himself shall be valued at sixty marks, and he himself shall bring complaint.

VI.

IF A MAN CUTS ANOTHER WITH HANDS OF WRATH, AND HOW HE SHALL BEAR WITNESS, FOR HIS WOUND, AND HOW HE SHALL DEPRIVE THE OTHER OF HIS FREEDOM, AND HOW FINES SHALL BE PAID FOR WOUNDS AND MURDER.

...

Now a man wounds another willfully, cuts with a sharp or an edged
 (6)
 instrument. If it needs bandage and a physician, lancet and spear; then he has right to prosecute for fully forty marks' fine. Then he shall call a thing, have his wound measured by two men at the thing, and hold a fent; in the same way call another thing and sit in another fent, in the same way a third thing and a third fent, then fourth a Lionga-thing. There his witnesses shall appear; two men shall affirm under oath, that he was will-
 (7)
 fully wounded by him in wrath; two others shall swear, that it was measured fully a forty marks' wound; in the same way, the third two, that it was lawfully referred to witnesses, and lawfully called to the Lionga-thing. Is he willing to pay a fine of three marks at the Lionga-thing and eight Örtugs, or at the Lionga-thing's fent; then he shall keep his freedom.

§1. Now if a true case of murder or full-sore, is brought forth; then he shall not bring up the case more than three weapons, shield, sword, and helmet, and no more, unless he desired, who receives the fine. Afterwards he shall pay as fine, uncut cloth, linen and woollen cloth, cash money, and a young horse and neat.

(6) spik ok spiaer, lancet and spear. These were instruments used in examining deep wounds. They had about the same shape.

(7) maep wrezs haende, with hands of wrath, i.e. in wrath.

§2. Now, whether it be for wound or murder, or some other offense against public security, or any other case for which one shall pay fine to another. If both do not agree about the fines, he that pays fine, and he that receives the fine; then shall he that pays fine prove by two appraisers as witnesses and oath, that he was fully paid. To this twelve men shall swear at a fent, that they swore both truthfully and lawfully.

§3. Now if it is for full-sore and he offers as is now said, and the other will not accept it at the Liunga-thing, and not in the fent at the Liunga-thing; then he shall not be outlawed. Is he unwilling to pay fine as is now said, then he shall be outlawed and his property be divided.

§4. Now he that sues another, shall not bring up another case, than the one he first brought up and accused him of. If he brings up another, then it is not lawful.

§5. Now he that was wounded desires to forgive him what he did, or takes less than lawful fine, and lessens the king's right, then it was formerly in this way, that if he paid a four marks' fine, and held back four marks, then he should pay one mark to the king. and the other mark to the county. Afterwards Birger Jarl thus declared by law, that if a scar was seen or a mark for a full-sore, then he should make up fully to the king and county, and the plaintiff may do with his right what he wishes.

§6. Now he does not wish to prosecute to secure his right, but sues him and asks ^{for} to deny. Then he shall deny with an oath of twelve men. Is he able to take the oath, he is guiltless. He fails of the oath, and it is full-sore, then pay fine to the king and county according to law, and the plaintiff one mark. because he did not wish to bring action in his own case.

VII.

ABOUT ALL MUTILATIONS, THAT THEY ARE FORTY MARKS; IF WILLFULLY DONE, THERE FOLLOWS NO MAINFINE.

...

Now every mutilation that is willfully done, is a forty marks' case. Main-fine does not follow a forty marks' wound, unless a man is castrated.

§1. Now a man wishes to prove a full-sore settled and fined against the plaintiff, then he shall prove it with ^a three-fourteen-men-oath. If he wants to prove that a king's court or a county is satisfied, then he shall prove with an oath of fourteen men that he has settled ⁽³⁾ with each case.

(3) saettan vita, to prove, that a case has been settled and satisfied according to law.

VIII.

IF ONE IS WOUNDED AND ANOTHER IS MURDERED, OR A MAN PROSECUTES
ANOTHER FOR MURDER AND WOUND.

...

Now two men fight; one is wounded and the other is killed. Then the
sore is set aside for the murder, and likewise light wound set aside for a
sore, and bruises for a light wound.

§1. Now if one prosecutes another for murder, or for a wound, or for
whatever he prosecutes him; then shall all the witnesses be resident men
and neither non-residents nor man-servants.

§2. A man prosecutes another for a wound and he declares himself not
to be guilty; then he shall swear a witness oath with six men, on the same
day, that the case was sworn against him in the fent. Afterwards shall a
twelfth-oath be sworn after each witness, that is three-twelfths each,
and swear thus, that they, who swore before, they swore both truthfully and
lawfully. If either of them cannot take a twelfth-oath, then it, (the
testimony), falls as a loosened burden. Those who swore among the witnesses
for whom it falls, they shall fast and pay fine to the plaintiff, king,
county, and bishop. Now if they both swear a twelfth-oath, then shall the
county jury find out the truth in the case. If he, (the defendant), acknow-
ledges, that he was present, when he, (the plaintiff), was wounded, and
that he was not out by him willingly; then shall he, at the fent, bring
three twelfth-oath, as has been said before, and the other shall fulfill
the twelfth-oath as was prescribed. Now if the one, that acknowledges the
wound, is unwilling to take an oath against, either when he, (the plaintiff),
accuses him or in the fent; then shall not the other swear a twelfth-oath
after his witnesses.

IX.

ABOUT THAT NO ONE SHALL PROVE A CASE AGAINST A DEAD MAN FOR
MURDER, OR WOUND, OR OTHER INJURY.

...

Now a man murders another, wounds or causes other injury. If he, that
committed the deed, dies before he is witnesses against, then witness can-
not be brought against the dead. His heirs shall then be sued. They shall
either deny as is provided, or pay fine as is said.

(9) Vista vitni, certifying with witness, to the effect, that when one com-
mitted, a crime, then he was not present.

IF A FREEHOLDER WOUNDS HIS WIFE FULL-SORE, OR CAUSES A LIGHT WOUND,
THEN SHALL SUCH FINES FOLLOW THE DOWRY.

...

Now a freeholder wounds his wife full-sore. Then pay fine as is said. He inflicts a light wound on her, and she becomes crippled therefrom, he who had given her in marriage, shall bring lawsuit therefor, and the freeholder shall pay the fine. That fine shall the man, who had given her in marriage, take, and add it to the dowry; that fine he takes, who takes the dowry. Now he chastises her and she receives neither full-sore nor light wound, and is not maimed therefrom, then fine is not paid.

XI.

IF A MAN CUTS ANOTHER WITH A KNIFE, HE INCREASES HIS LIABILITY
FORTY MARKS, AND HOW THEY SHALL BE PAID.

...

Now a man cuts another full-sore during the king's peace, that is when the king is in the country, so that message was lost in the land before him; then the one who cut, increases his liability by forty marks; forty marks is the king's own case, and forty marks are divided in three parts, to the king, county, and plaintiff.

§1. Now a man wounds another full-sore with a knife, then his liability is increased by forty marks, and forty marks is the king's own case, and forty marks are divided in three parts, to the king, the county, and the plaintiff. Now the king's prosecutor says, it is a knife-wound and freeholder denies this, and still admits the wound. The king's prosecutor sues and brings accusation, then defend himself with three twelfth-oath, or pay fine of forty marks. If he denies having caused the wound, and the plaintiff gives him right to prove, then deny it with a twelfth-oath, that he is not guilty of the knife-wound. Is he unwilling to take the oath before the plaintiff, and has nevertheless wounded him, but not with a knife; then defend himself with a three twelfth-oath for the knife-wound. Is the king's prosecutor unwilling to bring an accusation against him, then shall the county jury find out the truth in the case. Now the knife-wound is accidentally inflicted, then shall he that did it, prove that it was done accidentally. Is he able to take the oath, then he is guiltless as to the knife-wound. Is he not able, then pay fine as is provided or deny as is said.

XII.

A KING'S MAN, BISHOP'S, DUKE'S, OR LORD'S MAN IS CUT FULL-SORE,
AND ABOUT FINE FOR INSULT.

...

Now a king's man is cut full-sore, then shall the king take forty marks as fine for insult, and he that is wounded shall take the fine for the wound, as was before said; whosoever man he is, he takes the fine for insult.

§1. Now a bishop's man is cut full-sore, then shall the bishop take nine marks as fine for insult.

§2. Now a duke's man is cut ^a full-sore, then the duke's fine for insult is nine marks.

§3. Now the man of a lord, who has a coachman, cook, and a forty seated vessel, at his own expense, is wounded; then the fine for insult is six marks.

§4. If the king's man, ~~or bishop's~~, or duke's, or a bishop's man, ^{or that lord's man} who has right to take fine for insult, has received a lighter wound than a full-sore, then follows no fine for insult.

XIII.

IF A MAN MAKES AN ATTACK ON ANOTHER, ON HIS FIELD OR MEADOW,
IN THE FALL OR SPRING, THEN THE FINE IS DOUBLE.

...

Now a man goes to another with the intention to do him or his servant an injury. He goes upon his field in the spring or his field and meadow in the fall, cuts, inflicts bruises, or injures him or his servant, then is all that, which he has done, worth double fine, and all that he himself receives, is invalid. Now if any dispute comes up hastily between them, on the field or meadow, in harvest season; then pay fine as is before prescribed and for each one's main, that is as the injury appears to be worth and not for the breaking of the peace.

§1. Now if one receives of one man at one time, more wounds than one, and dies not therefrom, then they are not valued more than one full-sore.

§2. Now a dispute arises between men and both receive equal injury, then they shall both equalize their sores and pay fine both to the king and county.

XIV.

IF A WIFE IS BEATEN SO THAT SHE BEGETS A DEAD CHILD, HE (WHO BEATS)
INCREASES HIS CASE BY FORTY MARKS.

...

Now, whether a citizen or a foreigner, woman, or man, or minor, is wounded full-sore, he that wounded, shall then pay fine as was before said, unless the woman is wounded in such a manner, that she begets a still-born child. Then he who admits the act, increases his case by forty marks. Then the king, county, and plaintiff shall take.

§1. Now if a woman is struck or wounded or something else may be done to her, for that shall he that gave her in marriage, bring complaint. And of whatever fine is paid therefor, one-half shall belong to her, and the other half to the man who gave her in marriage, who prosecutes in her behalf, unless he brings a case for ~~agxix~~ unlawful marriage, then shall the fine belong to the guardian; or she might commit adultery, or he might have taken a friend-gift for her.
(10)
(11)

XV.

IF A WOMAN OR A MINOR CUTS A MAN A FULL-SORE, AND ABOUT MAIM-FINES.

...

Now if a woman inflicts a full-sore on a man, then shall her guardian pay a three marks' fine from her property; one mark to the king, the other to the county, the third to the plaintiff.

§1. A woman shall not pay a fine of forty marks for a knif -wound, or for breaking of the peace, if that is done, when the king is in the country, and pay no fine for insult to the lords if she wounds their man.

§2. Now a woman shall not be testified against for the wound; her guardian shall be sued. Is he able to deny for her with a twelfth-oath, then she is guiltless; fails he of the oath, then pay fine as is said, whether she causes the full-sore willfully or accidentally; then it shall be a three marks¹ fine. Is the one that was wounded, crippled, then shall the plaintiff pay the main lawfully with half the fine.

§3. Now if a minor inflicts a full-sore, then fine shall be paid as is now said, if a woman had done it, except the three marks; then shall

the plaintiff have, and neither the king nor the people have any right to
(10) firi liggia sik, to lose or forfeit in bed of fornication.
(11) Uingaeua, friend-gift, a present given at the engagement by the man engaged, to the marriage-man or to the relatives of the bride. The marriage-man might then, when accepting this gift, surrender his rights to the husband in which case, as also in cases of adultery, he had no right to any part of the fine.

then. Now he becomes crippled therefrom, then half fine shall be paid for the main. Now he that was wounded says, that he is of age, and his guardian says no, then shall the guardian prove by an oath of fourteen men, that he is not fifteen years. Now if he brings complaint against him, after he is of age, and the deed was committed before he was of age, then he shall pay the fine of the minor and prove by an oath of fourteen men, that he was a minor when he committed the deed. And oaths in cases of accident do not belong here, even though it was done accidentally, because every deed of a minor is considered as accidental, and he does not pay more fine for a willful case than for an accidental, whether it be for bruises or for a light wound.

§1. Now whether it be man or woman, minor or slave, that happens to inflict a light wound, either accidental or willful, such as are less than a forty marks' fine, then shall a main always be paid for by half fine; that is so to be understood, that main-fine is as much as the plaintiff's part of the fine, and in main-fine neither people nor king have any part. Now if he was maimed in the face, in such a manner, that it is covered neither by hat nor hood, or arms or legs are broken, so that he becomes crippled therefrom, or in such a way that hands or feet or fingers become shorter, then shall the main-fine be withheld for a year. Is he getting better within a year, so that he is not crippled, then he shall not take any main-fine, and when the year is out, then sue for main-fine and not before.

XVI.

IF A MAN, WOMAN, OR MINOR CUTS THE SLAVE OF ANOTHER, OR A
SLAVE WOUNDS A FREE MAN.

...

Now a man or woman, or a minor cuts the slave of another a full-sore, whether it be willfully or accidentally: then pay a six öre's fine therefor, and hire him a physician, keep up his day's work, and feed the slave while he is wounded. Is he crippled therefrom, then he (the defendant), shall keep the crippled one, and get a sound one for the freeholder. In cases of wounds, slave and serf are both of equal value.

§1. Now a slave wounds a free man, pushes or shoots, strikes a blow, or inflicts light wound, or scratches a free man, he has forfeited himself
(12)
and his worth. If it is a home-born slave, then shall he, who owns the
(12) havyer firi huggit sik ok gina gildi, he has forfeited himself and his worth, that is, if he was killed, then he was without rights. Gildi from gilda, value in reference to amount of fines, which in a certain case should be paid.

slave, pay eight marks' fine to him that is wounded. In that neither people nor king have any right; likewise if the wound was caused accidentally. Are they wounded, slave or serf, then he who wounded, pay the same fine for accidental as for willful action.

§2. Now a man cripples the slave of another man, cuts off his hands or feet intentionally, pay for him full value, or get another one instead and three marks besides. That is a freeholder's fine for insult, neither people nor king have any right to them.

XVII.

IF A MAN STRIKES AT A MAN AND HITS ANOTHER, AND HOW OATHS ON
ACCIDENT SHALL THERE BE TAKEN.

...

Now a man strikes at one and wounds another instead. That is a three marks' case if it is full-sore, and both shall consider it accidental; no more than one blow shall be considered as accidental. It shall not be considered accidental, unless both are so disposed, he that cut, and he that was wounded. Both must take the oath as was before prescribed. Are they able to take the oath, then they are blameless before the king and county, whether it be a greater or smaller case.

§2. Now one desires to confirm an oath on accident, then he shall confirm it within a year. Does he not do it, then it is lost. Now oaths on accident are disproven or made void on account of unlawfulness, then shall fine be paid the king, and to all men as for willful deed, and the plaintiff shall be satisfied with the promise (of fine for accident). Oaths on accident shall be agreed upon with free will. If he, that was maimed, sues, then shall oaths on accident not be taken afterwards.

XVIII.

ABOUT MUTILATION, WHICH IS DONE IN AN ACCIDENT, OR A MAN STRIKES
OUT THE EYES OF ANOTHER ACCIDENTALLY.

...

Now the left finger is accidentally cut off, then pay a fine of one ðre for the finger, another ðre for main, and half a mark for physician's fee. Now all the four fingers are accidentally cut off, that is twelve ðre for wound, and twelve ðre for main, and half a mark for physician's fee. The thumb is accidentally cut off, that is a twelve ðre's fine, because it is one half of the hand, and twelve ðre for main, and half a mark for physician's fee. Is the whole hand cut off accidentally, that is a three

marks' fine, and three marks for maim, and half a mark for physician's fee. In all cases of accident, fine shall be paid for maim as for wound.

§1. One strikes out the eye of another accidentally, that is a three marks' fine, and for maim and for physician's fee as is before said. One cuts off the nose or ear of another accidentally, that is a three marks' fine, and for maim and for physician's fee as was before determined. One cuts off the toes of another accidentally, pay fine for toe as for finger, one cuts off foot accidentally, pay fine for foot as is decided for hand.

§2. Now in every case of accident, the sufferer shall take the whole fine; neither the king nor the people have any right to it.

XIX.

...
IF A MAN STRIKES ANOTHER WITH A HORN OR A HILT, AND LOOSENS A
BONE IN THE WOUND.

...

Now a man strikes another with a horn or hilt, srick or staff. The skin and the flesh breaks, that is a full injury. That is a fine of six marks. The wounded takes four marks, the king one mark, and the county one. Now a bone is loosened in the ^{wound,} ~~xxx~~ then ~~and~~ ^{ore's} fine follows. Are six bones loosened, then follows six ore's fine. Is the seventh one loosened, and sound all in the bowl, then the wound is forty marks.

(13)

XX.

IF A MAN STRIKES ANOTHER UNTIL HE SHEDS BLOOD, AND HOW HIGH-FINES HE MAY PROVE HIMSELF ENTITLED TO, AND ABOUT REFUSAL TO
PAY FINES.

...

Now a man causes bloodshed on another; then that is a three marks' case. The king takes one mark, the plaintiff one, and the county one. Has he right to prove, who prosecutes for himself, then he has the same right, whether it be six marks or three marks. Then he shall call three county things, and the fourth a Lionga-thing. On the Lionga-thing shall he appear against him with his witnesses. Two shall prove, that he received from him the injury willfully and in wrath. Two others shall prove, that it was estimated at so much as is now prosecuted for, whether it be six marks or three marks. The third two shall prove that lawful thing was called. Now he declares himself not guilty in this matter. Then he shall bring or offer an oath of fourteen men against, to prove that he is not guilty thereof, or that he was not there when he was hurt. Afterwards shall he that testified

swear a fourteen-men-oath in a fent, that the six swore both truthfully and lawfully. Is he not able to take the oath, then are the others convicted who swore as witnesses. If they both swear, then shall the county (13) skaella all i skalu, all sound in the bowl. If the bones taken out of the injury, were so large that they sounded when they were dropped in a bowl, then a forty marks' fine should be paid.

jury find out, how much truth there is in the case. Now if he does not swear against him, then he shall not take a fourteen-men witness after each witness; then he shall at the Lionga-thing pay fine as is said before.

§1. Now they disagree about the fine, then shall his appraisers, his, who is to pay, have right to prove, as was said before, and he that is to pay have right to offer an oath that either the oath in the case was fulfilled or fines offered as will hereinafter be established concerning matters belonging to the Lionga-thing. Now he does not pay or clear himself, then shall a femt be ordered at the Lionga-thing to his own place. Now he is willing to do right at the femt, then is he, that does right at the femt, liable (to further fine). He is unwilling to do right, then he has lost in the principal case, and must pay twelve marks for the thing and femt.

XXI.

IF A MAN BREAKS THE ARM OR LEG OF ANOTHER, OR A MAN CAUSES A MINOR INJURY, OR BRUISES, WHEN THE KING IS IN THE COUNTRY.

...

Now a man breaks the arm or leg of another, so that they fall apart, that is a full injury, then pay fine as is established for light wound.

§1. Now a man inflicts a full-wound on another, when the king is in the country, then he increases his liability by forty marks as is said before. Now he causes bruises, when the king is on his circuit, then he does not break the king's peace, unless he does it at the royal castle.

XXII.

IF A WOMAN INFLECTS A FULL-WOUND, SHOOTS OR PUSHES, STRIKES ON THE EAR, OR CAUSES BRUISES.

...

Now a woman inflicts a full-wound on a man, pay therefore a three marks' fine. Or some one strikes on the ear, shoots, pushes, or causes bruises, her guardian shall pay for it, or deny it with a twelfth-oath. A woman shall not be testified against for an injury.

XXIII.

IF A MAN STRIKES ANOTHER WITH A STICK, OR A SLAVE IS INJURED BY A HOME-BORN SLAVE, OR A MAN CAUSES AN INJURY ACCIDENTALLY.

...

Now one strikes another with a pole or stick. The flesh inside is bruised, the skin outside holds, that is called a black blow. Then he who (13) bups eper, an oath to the effect, that fine has been lawfully offered to the adversary.

is sued and who struck the blow, has right to offer a twelfth-oath, or pay a fine of three marks. Then if he is so struck, that he gets crippled for the rest of his days, then shall he that did it, pay a fine of forty marks.

§1. Now a slave or a home-born slave is injured or is struck, pay two öre he that struck him, and make up the day's work, and procure him a physician. Is he maimed thereby, then he shall keep the maimed one, and procure a sound one for the freeholder, whether it was done willfully or accidentally.

§2. Now a man causes a full injury accidentally, that is a twelve öre's fine, and an oath on accident, that it was accidental and not willful. Is he maimed thereby, then half fine shall be paid for the maim.

XXIV.

ABOUT BLACK BLOWS, AND OF A MINOR, IF HE CAUSES AN INJURY
ACCIDENTALLY.

...

Now a man draws blood, or inflicts a black blow accidentally; that is six öre and an oath on accident; is he maimed thereby, then shall the maim be paid by half fine.

§1. Now a minor causes an injury accidentally, that is a six öre's fine, not an oath on accident and no king's case.

§2. Now in all cases of accident the wounded shall receive all the fine and own it, neither the people nor the king have any right to it.

XXV.

IF A MAN IS WOUNDED BY A MAN'S CATTLE, OR A FREE MAN GETS AN
INJURY AT THE HANDS OF ANOTHER.

...

Now one is wounded by a man's animal, whether it be horses or dogs, or whatever kind of animal it is; then a six öre's fine shall be paid. Is he maimed thereby, then shall fine be paid for ~~xxx~~ maim as for wound. Now he, (the defendant) desires to deny, that his cattle have done it, then he, who will bring accusation, has right to prove, with two men, that his animal has done that.

§1. Now a free man is injured by the handiwork of another man, then shall he pay six öre's fine, who owns the work. Is he (the free man) maimed thereby, then shall the maim be paid by half fine.

§2. A slave is injured in the cattle-yard, or from the works of a man, who does not own him, then shall the owner of the work pay a two öre's

fine to the owner of the slave. Is he maimed thereby, then pay two ðre besides as main-fine.

XXVI.

NOW IF A MAN, HAVING CAUSED AN INJURY, DENIES IT BEFORE THE PLAINTIFF, AND NOT BEFORE THE PROSECUTOR.

...

Now a man denies having caused an injury in a six marks' case, or more, then he shall take an oath before the plaintiff and not before the prosecutor. If he wishes to prove, that the three marks' case is fined, then prove it by a fourteen-men-oath before the plaintiff. Now if the case is settled and fined, then shall not the other testify against. If he takes an oath against, then it is unlawful; then the county jury shall find out how much truth there is in the case.

XXVII.

ABOUT WAYLAYING AND ATTACK OR IF ONE BREAKS THE PEACE OF ANOTHER,
OR A MAN BOXES ANOTHER ON THE EAR.

...

Now a man lies in ambush for another, that is a twelfth-oath, that he did not lie in ambush for him, or a three marks' fine. A man makes an attack on another; is it seen upon his weapon and his clothes and not upon his person; then he has right to clear himself according to law; that is a twelfth-oath that he did not attack him, or pay a three marks' fine.

§1. Now all injuries to a minor's person, or to a woman's, that is so considered as if it were done to a fullgrown man, and valued as no more.

§2. Now if anyone strikes another, shoots or pushes, or tears his clothing, so that his personal security is disturbed, then deny it with a twelfth-oath, or pay a three marks' fine.

XXVIII.

IN ALL CASES OF PERSONAL PEACE, THEN PLAINTIFF SHALL FIRST MAKE SATISFACTION, AND WHEN THE PROSECUTOR DECLARES FINE TO BE PAID IN SECRECY.

...

Now in every case of personal security, the plaintiff shall first bring up the case and not the prosecutor. If the defendant pays fine secretly to the plaintiff, then shall the prosecutor bring complaint against him. He shall then deny with a twelfth-oath, that he has paid fine to the plaintiff, or he shall pay fine as is established.

IF A MAN IS UNLAWFULLY PUT IN STOCKS.

...

Now a man is unlawfully put in stocks, in such a way that his feet rot away, pay therefore a forty marks' fine. If he dies thereof, then pay fine as is said before in the code on murder, and his fine is increased by forty marks. If they put him in stocks in such a way, that his feet do not rot, then pay a three marks' fine, or deny it with a twelfth-oath.

XXX.

IF A MAN BRINGS A CASE OF ADULTERY AGAINST ANOTHER, OR ONE SELLS A FREE MAN, AND ABOUT A FORTY MARKS' LAND ROBBERY.

...

Now one brings a case against another because he has committed adultery with his wife. Is he taken in the act and gets away, then deny it with three twelfth-oaths or pay a forty marks' fine.

§1. Now one sells a freeborn man, instead of a slave, with negotiator and witness, pay therefor a full forty marks' fine or deny it with an oath of three-twelfths. The one that finds the freeborn shall free him; a freeborn shall not be brought to the seller.

(15)

§2. Now a county jury decides between conflicting oaths with the king's decision, or law-man's decree about land disputes, and should he afterwards use it, that was convicted, and claims it to be his land, that is full land robbery with forty marks' fine.

XXXI.

ABOUT CONTEMPT OF COURT AND ABOUT WITCHCRAFT; OF CAPITOL ROBBERY AND OTHER ROBBERY.

...

Now one breaks the king's decision, that is a forty marks' fine. One breaks the law-man's decision, that is a twelve marks' case. Now one breaks the decision of a county judge, pay a fine of six marks. Now one breaks the decision of a judge over a quarter, pay a three marks' fine.

(14) uin ok witne, negotiator and witness. This refers to the custom of confirming a sale of personal property by negotiator and witness.

(15) tuæ snaere, conflicting oaths that contending parties take in the same case. Slita, t., means to investigate in order to find out, which of the two parties have sworn truthfully.

§1. Now a woman is accused of witchcraft, is apprehended and convicted by true witnesses; then she has forfeited her life, and she shall be stoned to death. Is she accused of it, and is her trespass seen on the freeholder, or on his servant, or on his home; then defend herself with an oath of three-twelfths and pay a fine of forty marks. She is suspected of the case, and there is no effect of it seen in his property or on his cattle; then defend herself with a twelfth-oath or pay a fine of three marks.

§2. Now a man robs another man, and when he calls for help, then he gags him; then that is a forty marks' case. Now he wants to run for help, then he binds him; that is also a forty marks' case. Now such a robbery is discovered by the scream or call for help, message and message stick, then the robbery is full and forty marks; then is such a deed valued at one hundred marks, that is the highest robbery.

§3. Now one robs a home, drives away the dog and herd, takes away mill and kettle, binds them together, and lays them on the back. Is that robbery discovered by cry or message stick, that is a forty marks' fine. Is it not discovered by cry for help, appoint a thing and bring accusation that is an oath of three-twelfths. He fails of the oath, pay a fine of forty marks.

§4. Now one commits a highway robbery upon another. If it is discovered by cry or message stick, then it is a forty marks' case. Is it not proved by cry, then it is a twelfth-oath, or a fine of three marks. Now what he robbed from him, is recovered by search or taken in his hands, that is a fine of forty marks or deny it with an oath of three twelfths. Will he not bring accusation but await the king's decision, then shall the county jury find out, how much truth there is in it.

§5. Now one is robbed on board a ship and near the coast; that is a real forty marks' case. If he that robbed gets away, that is a three-twelfth-oath or pay a fine of forty marks. Now in every three twelfth-oath, one-half of them shall be named before. Name always whichever he wants, relatives or non-relatives. Is he unable to take the oath, then he is liable to forty marks.

XXXII.

ABOUT CATTLE THEFT AND OTHER THEFT, AND HOW PROSECUTION SHALL
BE MADE, OR IF THREE BRING A CASE OF THEFT AGAINST ONE.

...

Now someone steals a man's cattle and has a hiding place in the woods

in a cave or a booth; is it neat or hides or living cattle, that are stolen; then he is a cattle-thief. Is it taken in his hands, then he has forfeited his life, and all personal property he possesses. Then he shall be prosecuted and hung. Is it not taken in his hands, that is an oath of three twelfths. He fails of the oath, then he shall bring back what he stole with a fine of forty marks.

§1. Now one steals from behind the lock and is apprehended. Then shall the stolen goods be tied upon his back, and he shall be brought to the thing. A man shall not be bound for less than one-half a mark, unless it is a man's cattle, which is old. Whatever he steals thereof, that is a full theft. For this he shall be bound and hung, except for stealing dog and cat, chicken and goose. If he steals either of these, then pay a petit larceny-fine or deny it as is said. Two shall swear, that he is the real thief; two others shall swear, that when it was stolen, then it was lawfully referred to witnesses; the third two shall know, that stolen goods is bound upon his back; then he may be judged to the gallows and be hung. He is not apprehended before the stolen goods is taken, then it is a twelfth-oath, one-half named and one-half unnamed. He shall take, whichever he can get, related or non-related men. He fails of the oath, then he shall return what he stole, and six marks besides.

§2. Now he steals a horse in tether. He shall answer for it in the same way if it is outside as if it is inside a lock. Now he steals a horse in pasture, or other possession of a freeholder. Is it not found with him, then it is a twelfth-oath; if he fails to take the oath, then bring back what he stole, and six marks besides.

§3. Now a case is brought against a man, that he is a cattle-thief. Is it not taken in his hands, that is a three twelfth-oath. He fails of the oath, pay as fine what he stole and forty marks besides. Now if it is not taken in his hands, or the real theft is traced from his hands to the receiver, and he cannot trace it from his hand, or it is taken in his house, who has power over the lock. There he has no recourse to law. Then he may be bound and brought to the thing, may be testified against and hanged. Now it is taken in an unlocked house, then he has right to deny it with a twelfth-oath. Now he has stolen from behind the lock, over which the slave or serf has power. There the freeholder shall defend himself with

his own oath, and the oaths of twelve men, that he, and none of his free servants, whose doings it was his duty to defend, stole it, and pay such fine for the slave, three marks, as he shall be freed with.

§4. Now it may be stolen from a freeholder; then shall he announce to his neighbors what he lost. Now he has suspicion where it is; then he shall go thither and ask search lawfully. He shall not refuse him to investigate. Then shall each one take two men. He, who asks for an investigation, shall state what he lost, or the like. Then the other shall tell them what is inside. Then shall those that have been selected, go in; they shall then search them and find out, what they have inside. Is that inside, which is stolen from him; then they shall observe if the window is so large that such a thing might be thrown in, and the stolen goods is not hidden but lies in such a manner that it could have been thrown in. Or is there a hole under the sill, so that such goods could be thrown in, then the freeholder has right to defend himself with a twelfth-oath. Now a window is not found, then he has no right to prove. He refuses an investigation, or he is absent, then shall guard be placed at the door and the county judge shall be notified, or those that are in his place. Then shall he cut up a message stick and come thither with the general assembly. Then he may without guilt, open the house. If they find that inside, which is stolen from him, then he (the thief) may be bound and brought to the thing. Is it not found, then he is without guilt. Now if the county judge has been notified and would not or ~~could not come~~ ^{did not care to come} thither, then the freeholders may without guilt open and appoint those who shall investigate.

§5. There are three kinds of thieves. One gives advice, the second steals, the third carries it away. A case of theft may be brought against all of them. All shall have right to defend themselves, if it is not caught in their hands.

§6. Now if three men each bring a case against one, because of theft, and for a theft for which he has not been cited to thing, and for which he has not defended himself with the oath, and for a theft, which is a full theft and lawfully announced, and if they bring the case against him before the king's investigation, then shall the county jury find out what truth there is in it. Are they willing to defend him, then he is defended; if they convict him, then he shall be hanged and his property be divided, as is said. He flees, then he shall be an outlaw within the whole jurisdiction and his property be divided.

XXXIII.

IF A THIEF IS CONVICTED BY LAWFUL JUDGMENT, OR IF ONE LETS A THIEF LOOSE, AND HOW HE SHALL TESTIFY IN HIS OWN CASE.

...

Now a thief is convicted by lawful judgment and lawful oaths, then shall a fent be appointed for division of the property. Is it, (the stolen goods), found in the bed of both, then shall the wife's lot be divided as well as the husband's. Is it not found in the bed of both, then shall the relations of the wife have right to defend the wife's third with the oath of twelve men, that she did not steal and never used it with the knowledge of that it was stolen. Is she able to take the oath, take her third. She fails of the oath, then shall her as well as his portion be divided. Children's property shall not be divided, and not be defended by oath, unless some of the children partook with the father in the theft.

§1. Now one lets a thief go without bonds or without bound arms; he is liable to three marks. Binds he the thief's arms and lets him loose afterwards; he is liable to forty marks. And the thief shall return to his rights; deny as was said before or pay fine. They shall afterwards not bind him nor hang him and not divide his property. He is able to defend himself and the other had bound him. Is a scar seen on his arm, then he has right to sue for forty marks. Is it not seen on him, then shall the other who bound him, have right to deny it with an oath of three twelfths. Is he able to take the oath, then he is guiltless; if he fails of the oath, pay a fine of forty marks. For whatever cause one binds another unlawfully, then he shall thus pay fine, or deny as is now established. Now one brings accusation against another, that he bound him with bands, then deny it with the oath of twelve men, or pay a fine of three marks.

XXIV.

IF ANOTHER ONE THAN THE KING'S PROSECUTOR LETS A THIEF LOOSE,
OR ONE ROBS A THIEF FROM ANOTHER.

...

Now another one removes the bands from the thief than the king's prosecutor, then pay a fine of forty marks, or deny it with an oath of three twelfths, or prove by a three fourteen-men-oath, that he did it with the permission of the king's prosecutor.

§1. A man robs a thief from another, in such a manner that he breaks not the king's peace, then he has broken the law of hostage. Then he, who is the leader of it, is liable to forty marks, and each one who was in the flock and company, pay a fine of three marks.

XXXV.

IF A SINGLE WOMAN STEALS A FULL THEFT, SHE IS LIABLE TO
THREE MARKS.

...

Now a woman commits a full-theft and is apprehended. She is liable at three marks. Her guardian shall pay them as fine for her, always of her goods first, as long as it lasts. She shall not be bound or be hung for theft, unless she is caught with it; then she may be brought to the thing, and the theft with her, and she shall be testified against as is declared about other thefts. Afterwards her guardian shall pay fine for her as is said, and not take an oath. Now if she is not caught at it, but is accused thereof; then shall her guardian deny it with a twelfth-oath, or pay a fine of three marks. All that the woman does, that shall he, who gave her in marriage, answer for, and always pay fine out of her property, as long as she has anything left. After it is gone, then pay fine of his property, unless she stole; then shall he who gave her in marriage, pay three marks' fine for her first theft. She steals a second time, pay also fine of three marks for her. She steals a third time or oftener, then he has right to free her, if he wishes or not. Will he not free her, then has he, whom she stole from, power, either to give her life, or pay one mark to the king and one to the county, and she shall be his slave; or thirdly, to stone her to death. This law King Magnus gave.

XXXVI.

ANY DEED THAT A WOMAN DOES, SHALL THE MAN WHO GAVE HER IN
MARRIAGE, BE RESPONSIBLE FOR, UNTIL SHE IS MARRIED.

...

Now all those crimes, that a woman commits while she is unmarried, shall the man who gave her in marriage, answer for, or pay fine for her; even though she is engaged to a man, he shall both pay fine and plead her case, if anything should be done to her. Now after the wedding is performed in the church, and they are married, then shall her husband both bring accusation and defend her.

XXXVII.

IF A SINGLE WOMAN STEALS, WHO HAS NO GUARDIAN WITHIN THE LAND
AND JURISDICTION.

...

Now a single woman steals, who has no guardian within the land and jurisdiction. Is she caught at it, then she may be brought to the thing, and be testified against as is declared. She is liable to three marks. Has she property to pay fine with, or will some one pay fine for her, then all is well. Is neither found, then she has forfeited her liberty. Then one of them, either the plaintiff or the king's prosecutor, may free her or the county judge may free her against the two, and she shall be his slave until he has obtained three marks from her. Now if a single woman has been convicted, if the freeholder (from whom she stole), wishes to pay for her as his, with three marks as is now said; then give one mark to the king, and one to the county. The freeholder will not free her, then go to the thing before the king's prosecutor, and place the woman in his charge. Is he not at the thing, then bring her home to the king's prosecutor with two resident men and give her him in charge, and be guiltless afterwards. Now he is not at home, then he shall give her in charge of the servants. The king's prosecutor brings accusation, why he did not give the woman in charge, then prove by an oath of fourteen men, that he brought him the woman.

XXXVIII.

IF A MAN ENTICES A MAN'S SERVANT, OR ONE TAKES A MAN'S CATTLE
IN THE HANDS OF A THIEF.

...

Now one entices another man's servant and makes full house-theft; is it not caught in his possession, then it is an oath of twelve men. He fails of the oath, pay a fine of three marks.

§1. Now one gives a true report to him, from whom it was stolen; have an "ore therefor. If he brings it in security, he has two "ore therefor. Now one takes a man's cattle in the hands of a thief, and brings them back to the owner, and drives away the thief, he has half a mark therefor. Then he shall prove by testimony of two men, and a twelfth after, that he drove away the thief from what was stolen. Now everything is taken, the thief and the theft, and he delivers the thief to the freeholder; then shall he that took him, have everything that the thief owned, and a mark from the freeholder, from whom it was stolen.

XXXIX.

OF IF ONE STEALS FROM A MAN'S NET, AND ABOUT PILFER, AND IF
A FREE-BORN MAN PILFERS.

...

(16)

Now one steals from the net of a man, or from firmly fastened works; that is a twelfth-oath, if he is not caught at it. He fails of the oath, pay a fine of three marks. Draws one a net or a fish-junket out of the deep, pay six öre therefor.

§1. Now one pilfers less than four and one-half örtugs, he that is a free man; pay a six öre's fine therefor, and return what he pilfered. Now if he denies it and offers an oath of twelve men; is he able to take the oath, he is guiltless; he fails of the oath, pay a three marks' fine, to county, king, and plaintiff, and bring back the stolen goods. Now if he has nothing to pay fine with, or he is unwilling to deny it, then pay with his hide, lose his hide, but go to the thing first, however, and get judgment. Now if the king's prosecutor says, he has paid fine to the plaintiff for the theft, and not for pilfering; then he shall deny with the oath of twelve men, that he stole greater theft than a six öre's pilfering. Now the freeholder brings accusation against him, and says that he has stolen more from him than he has paid back, then deny it with a twelfth-oath, that he stole no more from him than he brought back. He fails of the oath before the freeholder, then the freeholder has plaintiff's right to fines from him. Now if he fails of the oath before the king's prosecutor, then he has the plaintiff's right to fines from him.

XL.

IF A MINOR COMMITS A FULL THEFT OR PILFERS.

...

Now a minor commits a full theft, that is six marks, and he must return what he stole. A minor pilfers, bring back what he pilfered and be without guilt.

XLI.

IF A SLAVE PILFERS, OR A FREEHOLDERS' SLAVE SREALS FULL THEFT.

...

Now a slave pilfers, that is a two öre's case, or his hide and bring

(16) handfastum uærkun, firmly fastened works; works that could not be moved by the hands only.

back the pilfered goods. Is a slave caught with the theft, and brought to the thing; then the freeholder shall have a right, either to take compensation or to hand him.

§1. Now a freeholder's home-born slave commits a full theft; he is taken and hanged, then his property shall be divided. Now fine is paid for him, then shall he have the ransom, who took him; the people ^{or} ~~not~~ the king have no right to it; of his estate the king takes his portion, and all men their portion.

CODE ON MARRIAGE.

.....

HERE BEGINS THE CODE ON MARRIAGE, IN WHICH THERE ARE TWENTY-
NINE CHAPTERS.

.....

1.

OF HOW DOWRY SHALL BE MADE TO EVERY FREE-BORN WOMAN.

...

Now he asks that needs, and he gives who has. When a man wishes to ask a wife for himself; then it is well, if they all agree. At the meeting of betrothal a dowry shall first be promised to every free-born woman that is a pillow, as one of the principal parts; secondly, land if there is such, and thirdly, gold and silver, if such is found. Now if she has neither gold nor silver, and no land, then take such as is found and make a dowry thereof in three parts.

II.

OF HOW A FREE-BORN WOMAN SHALL BE GRANTED DOWRY WHEN SHE IS DEAD.

...

Now a free-born woman is married and dowry is not granted. As soon as she dies, then shall a lawful dowry be made, that shall be nine öre.

III.

(1)
OF HOW A GIFT FOR THE DOWRY SHALL BE MADE, AND PURCHASE OF
MANTLE, IF LAND FOLLOWS HER.

...

Now a woman that has so great a dowry that it is a sixth of an eighth in an established village, or a three marks' land in uncultivated land or woodland; she shall have a gift for the dowry, that is two marks; and ten öre for the purchase of the mantle.

IV.

HOW A MAN SHALL ENGAGE A WOMAN, OR IF ANOTHER GIVES HER AWAY IN
MARRIAGE THAT THE ONE WHO HAS RIGHT TO DO IT, AND THAT HE MAY
PERFORM THE ENGAGEMENT THAT IS WILLING.

...

(1) vipær mund, a gift of two marks, which in some cases was given by the bridegroom to the bride as a compensation for the dowry.

Now he shall perform the engagement that is nearest on the father's side. Then shall he mention the dowry. Now some one else engages a woman to another than he, that is next to her on the father's side, then pay a forty marks' fine, or deny it with an oath of three twelfths, or prove with three fourteen-men-oath, that he engaged her to the man with his permission, who had right to give her away in marriage.

§1. Now he that is nearest on the father's side may be ill disposed; then they shall go to the thing and take the king's decision or law-man's, that he, who is nearest on the mother's side, may engage her or whoever is willing.

V.

IF CHILDREN ARE BEGOTTEN DURING ENGAGEMENT OR WITH A SINGLE WOMAN, AND HE MARRIES HER AFTERWARDS.

...

Now a man begets a child with a woman and takes her afterwards as wife; when he betters the woman, then he betters also the child; then that is a legitimate child.

§1. Now one betroths a woman and begets a child during betrothal. That child has right to inherit. Now they differ; one considers it a child of a betrothed woman; another not. Then he has ^{the} right to prove, who wishes to prove with a fifteen-men-oath, that it is the child of a betrothed woman. He shall first take the oath, who betrothed her; then two, who are next to her within the third degree of relationship, and who were present when she was betrothed, and twelve after; those who knew it to be the child of a betrothed woman.

VI.

IF THE PRIEST PERFORMS THE MARRIAGE WITHOUT THE WILL OF HIM,
(3)
WHO HAS RIGHT TO GIVE HER IN MARRIAGE, OR ANOTHER PERFORMS
THE BETROTHAL.

...

Now when engagement is made, then they shall wed. Then shall he, that

(2) The words in the text are: siattungx attunger, that is a sixth of an eighth in an established village. It seems as though the village was divided

into eight parts, and a woman might have so great a dowry that she had a sixth of an eighth in an established village.

(3) gipta maper, he that gives a woman away in marriage. Gipt or gift, dowry. When a woman was betrothed to a man, the nearest kinsman was present and performed the betrothal. The giptar maper should be present. If an engagement was performed without him, a fine of forty marks should be paid.

gave her in marriage, be present. The priest performs the marriage and the man, who gives her in marriage, is not present; then he robs him of the marriage right, that is a forty marks' case or the oaths of seven priests, that he performed the marriage with his will, who gave her in marriage. For every action of the priest, he shall be called to appear before the bishop or the provost; there he shall defend himself.

§1. Now whoever shall engage her, betroth or perform the marriage without the will of the man, who lawfully gives her in marriage, then pay a fine of forty marks. Has she also some land, then shall he who gave her in marriage, have it; besides, he shall have eight "örtugs" and thirteen marks from him who received her. Has she no land, then bring suit for eight "örtugs" and thirteen marks or deprive him of his liberty. When he has paid fine to the plaintiff, then shall the king's prosecutor bring action for eight "örtugs" and thirteen marks and the county judge likewise.

VII.

ABOUT THEIR INHERITANCE AND THEIR ACQUIRING OF PROPERTY AFTER THEY ARE MARRIED, OR ONE CONSIDERS THEM MARRIED AND ANOTHER ONE NOT.

...

Now after they are married and both go openly in bed together - whether they are married or not, - then she has all right with him, and he shall both defend and bring accusation in her behalf. And if she dies childless, then he shall have all her property, except the dowry, and she shall have a third of his property, if he dies before. Now if she dies, before they come together in bed, then he shall take nothing of her property, although they are married.

§1. Now if either of them buys land after they are married, and before they come together in bed, and come together afterwards and dies either of them without child, then shall the one, that survives, inherit, as was said before, of that land that was bought before. And come they not together, then shall the true heir inherit.

§2. Now they differ. One says they are married and the other says no; then he has right to prove, who will prove the marriage with two men within the third degree, and an after-twelfth, that they were married according to the law of the land and church regulations.

IF ONE KEEPS THE WOMAN FROM HIM THAT ENGAGES HER, AND HOW THE
BRIDE-GROOM SHALL INVITE HIS FRIENDS TO THE WEDDING.

...

Now a man is engaged to a woman, then it is well if they all agree. If they do not agree, then they shall prepare three marriage feasts and he has the right to prove, who will complete the marriage. Then he shall go and invite to the ale-feast, that is the Sunday which is next after Martin's Mass Day. And he that will complete the marriage shall ask for the wedding-meeting. The other holds back and hinders, he is liable to forty marks and pay him all the expenses, unless he has broken the promise for lawful reasons; so for the second and so for the third. Then he may go to the thing and receive the king's or lawman's decision. Then shall the county judge go there and give the betrothed woman in his hands.

§1. Now he shall invite his relatives to the wedding; all those, who are within the third degree of relationship. Will he not invite some one, then pay a fine of three marks, or prove with an oath of twelve men, that he did not know, that he was so related to him.

§2. Now he shall decide a day for the wedding. Then a bridal-procession shall be sent to meet the bride, a leader and a bride's maid. They shall ride to the home with security and ask security of the freeholder. Freeholder shall give them security, take their weapon and place them safely behind lock. Freeholder shall give them back after the wedding.

IX.

ABOUT WHO SHALL BE THE MAN, THAT GIVES AWAY IN MARRIAGE, AND
IF A BRIDE IS TAKEN AWAY BY FORCE.

...

Now they shall have two lawful feasts. At one of them he shall ask for the woman. When he has asked for the woman, then they shall have the second lawful feast. Then shall he, who gave in marriage, give her in marriage, he who is next and has right to give her in marriage. Has she a father living, then he shall give her in marriage. Has she no father living, and has the freeholder a son, then he shall give her in marriage. Has he no son that is of age, then shall her brother give her in marriage, if she has a brother, on the father's side. Is he not in existence, then shall he give in marriage, who is next on the father's side. A half-brother on the mother's side shall not give away in marriage, but always he that is

next on the father's side, because there one is nearer as an heir and another nearer as the one, who has right to give in marriage. Now if the one, that is next on the father's side, is not within the kingdom; then shall he, that is next, give in marriage. Now if another gives in marriage, than he that is next on the father's side, then he is liable to forty marks, or deny with a three twelfth-oath, or prove with a fourteen-men-oath, that he gave in marriage with permission of the man, who had right to give in marriage. Then after they have received their weapons, they shall have their final treat in the same place that they had before.

§1. The leader shall protect the bride to the home. The bride is taken away by force during the bridal procession, that is a full forty marks' fine, that shall the freeholder have to whom she was both married and given.

X.

ABOUT MORNING-GIFT AND FRIEND-GIFT.

...

Now he who asks in marriage, shall give the morning-gift. One gives land as a morning-gift, with contract and sale, and dies childless. Then the wife inherits the land afterwards. Now one gives land as a morning-gift and does not confirm it, or he gives afterwards and not on the next day. That land she shall not inherit after him, unless his heirs so desire.

§1. Now one gives personal property as a morning-gift, for that he shall give security. Is not security given, and freeholder dies childless, then he shall not demand it, unless his heirs so desire.

§2. Now the relatives have won the friend-gift, as soon as the case is confirmed by betrothal, but he who gives in marriage, not before they both come on one pillow and under one blanket.

XI.

ABOUT MEN WHO DISPUTE ABOUT DOWRY.

...

Now men dispute about dowry, he that gives and the other that receives, and it is in the possession of him, who gives away in marriage. Then he has right to give out as much as he wants to and prove with two of the relatives and twelve non-related, that this was given and nothing more. Now he has received it who should. He then complains against him (the marriage man), and says it is not given; then he (the marriage man), has right to prove with two of the relatives and twelve non-related men, that it was

given at the meeting of betrothal and on the eve of marriage.

§1. Now they dispute about land before they have clear title, then he has the right to prove, who gave with a full relative-oath that this was given and no more. Now he has secured the right of possession if he in three years has taken the hire or rent for it, or lives on it himself. Then he has right to prove with a full oath of relatives, fourteen men, that this was done and given at the meeting of betrothal and evening of marriage. Now he shall afterwards take another oath of fourteen men, take such as he can get, then two, who know that he has owner's lawful possession as custom and law says.

XII.

IF A MOTHER GIVES HER DAUGHTER DOWRY OF HER OWN DOWRY.

...

Now a mother gives her daughter dowry of her own dowry in personal property. As soon as it comes within the yard and gate posts, then shall the freeholder, who received the woman, defend it for his wife, as dowry. The mother withholds what she gave as dowry, then she has right to hold it, and defend it as was before established.

§1. Now if she gives her land as dowry to her, and the daughter does not secure lawful title, then the mother has right to take back her land given as dowry. If she has secured lawful title, then the mother has no right to take it back, because there the lawful dowry is lost to the giver.

XIII.

IF HALF-BROTHER COMPLAINS BECAUSE OF THE DOWRY.

...

Now half-brother complains. Then shall real brother compensate the half brother for the dowry, because he cannot get it back.

XIV.

ABOUT PURCHASE WITHIN THE FAMILY AND HOW DOWRY IS LAWFULLY PARTED WITH AND HOW THE DOWRY SHALL BE SOLD AND COMPLAINT BROUGHT.

...

Now a freeholder makes a purchase from his wife, that is called wall-purchase. That purchase stands while both live. When either of them dies,

then it is not a lawful sale.
 (4) Nipiar efer, relatives oaths, an oath in which the witnesses or the witnesses and the twelfth were relatives of the principal in the case.
 (5) Vaaggia köp, wall-purchase, or transaction within the walls. This transaction was so called, because it was a transaction between persons living in the same house or within the same walls. A purchase, when the husband buys from his wife, or the wife from her husband.

§1. The freeholder desires to buy his wife's land, and they have no children together, then he shall not buy her land, unless he confers with her true heirs. Now they have children together, then he may buy her land for the better and not for the worse, because her dowry shall not be diverted except on these conditions. Should famine come, then he shall sell everything before he sells her property. Now his property is all sold, the famine still keeps on. Then he shall sell her dowry. She enjoys of it herself, then shall freeholder not pay for it. Now the freeholder uses it with her and he may thereafter procure property, then he shall refund the dowry to her heirs. Now an army may land in the country and carry away all that the freeholder owns and also his wife. Word is sent to his home, and he is asked to ransom his wife. The freeholder has nothing left, unless he sells her dowry; then he may sell it to redeem his wife with it. Now the freeholder may be carried off, and the wife is left; word is sent to her and she is asked to ransom the freeholder. Then she may sell her dowry and ransom her husband with it. There she is lawfully dispossessed.

§2. Now a freeholder shall not sell his wife's land or personal property, except such a case, as is now related, demands it. If he sells it, then shall the purchase stand, while both live. When either is dead, if either one, she or her heirs, bring complaint within three years, then the purchase goes back again. Now the dowry is for lawful sale, then he shall offer it back to the father's and mother's relatives as is hereafter prescribed about the sale of land. Now her heir is abroad three years after she is dead, and brings complaint within a year, when he comes home; then he has right to bring suit to have the sale set aside. He brings no complaint within a year, then shall he, who bought it, possess it. Now if he is within the kingdom three years and will not bring complaint meanwhile, but brings complaint afterwards; then shall he who bought it have right to defend it as is decreed. If she or her heirs bring complaint within three years, then the sale goes back. Now if it has passed through several sales, then shall they not take an oath against it. Whoever takes an oath against it, he does it unlawfully, but each shall go back to his payment; the one to land who paid with land; the one to personal property, who paid with personal property. If she lived with the husband and used the payment with him, then repay a third of the payment and two portions shall be paid by the heir of the freeholder. Has she inherited more than a third, then repay as she has inherited. Will she not pay for the part she has inherited

and which belongs to her, then shall the sale stand. Has he traded for the worse, then shall the sale go back, these oaths shall not be taken against it; if he takes an oath, then he does it unlawfully.

(6)

§3. Now he buys her land for other land equally good and sells it afterwards for personal property, then since her land is purchased for one equally good, and if they have children together or the true heir is present, who is of age, then the sale stands and he has right to it who bought it. Now when he sells for personal property, then the sale goes back, there ~~there~~ no oath shall be taken against it.

§4. Now a woman sells or divides her land after she has become a widow, with the advice of her marriage-man, that sale is lawful, and he who bought it has right to defend it.

XV.

ABOUT HOW A WOMAN SHALL DIVIDE WITH HER CHILDREN.

...

Now a woman divides her inheritance between her children and her husband's heirs, then she shall take her dowry from her undivided property, and her return-gift, if so large a piece of land followed her, as is said before. Has he bought her imported mantle, then she shall be satisfied therewith; has she not received it, then it is ten öre. She shall be dressed in two dresses and shall have a mantle, be girded in a head-cloth and another one about her head. Then shall husband's heir give back all that cloth that was both cut and shaped for him and three weapons. The wife shall then take a third and husband's heirs two portions.

XVI.

ABOUT HOW ONE SHALL PAY THE DOWRY AND RECEIVE IT, AND OF THE PURCHASE OF THEIR LAND, AND WHEN THE WOMAN HAS NO DIRECT HEIR.

...

Now a woman is married and it is provided that the house that stands

(6) When a sale or a purchase was made, it was permitted to sell or exchange for one equally good, but not for a piece of land of less value.

(7) Nu a hon fara i tu ismuxe klæpe ok hærpæ mattul taka, she shall go dressed in two cloaks or dresses and shall have a mantle; the word ismuxe means a garment slipped over the body. skapat klæpe, means cloth in general but skapap klapi means clothes, that are cut out of cloth.

upon her land shall follow the dowry. Then he that inherits the dowry, inherits also the houses. Now if he forgets and does not make such a provision, then shall he take the houses, who takes the personal property. Now they disagree, then shall he that pays out the dowry, prove, with two other relatives and an after-twelfth, what was given her as dowry. If the wife dies first, then the husband inherits her third. They buy land, while they live together, then the freeholder inherits the purchased land as well as the personal property, and her first part except the morning-gift, and her dowry shall her rightful heirs receive, the pillow at first. Is it half as good as it was, and have both that owned it, used it, and the four corners hang together, then it shall be satisfactory. Now if it is slaves that are given as dowry and they are so old, that they are no good; have both used them, or both gave them free, then there shall be no payment for them. Is the slave sold or freed or dead, then shall husband pay three marks for the one head part, likewise of the slave has run away. Now there is land as the second part of the dowry, all that land she can own and inherit, it shall go to the dowry except the bought land, unless she marries a second time; then the land shall be added to the dowry. Now the husband shall pay for or give back the land which he received as a second part of the dowry, just as good and of the same value as when he received it. Has he sold it in a different way than is prescribed, then he shall make it up from his own land. Now for the third part he shall pay silver, if it is found, as much as he received, no less and no more. If they disagree, then he shall prove with a fourteen-men-oath, two of the relatives within the third degree of relationship and an after-twelfth, take such as he can get within the third degree of relationship, that are fifteen years, not two brothers, that he has paid as much as he received.

¶1. Now a woman might not have a direct heir, then shall the dowry go back to where it was paid as far as ^{to} the third man, if she does not obtain a direct heir. When it passes the third man, then he takes the dowry who is nearest related.

XVII.

IF A WIFE DIES BEFORE CHRISTMAS OR AFTER.

...

Now a freeholder's wife dies before Christmas. Pay out the tax if it is not paid, to him who gets title to the land before Christmas. If she dies after Christmas, then shall rent and taxes be paid from the land;

keep the land till he has harvested the spring- and fall-seed, if he lives on the land she owned.

XVIII.

OF HOW A MOTHER, WHEN THE HUSBAND IS DEAD, SHALL TAKE CARE OF HER CHILDREN WITH THE ADVICE OF THEIR GUARDIAN, AND ABOUT THEIR TRANSACTIONS.

...

Now a woman lives with her husband and they beget children together. The husband dies, then the children inherit him. The mother has right to care for her children's property with the advice of the father's nearest relative, while she is unmarried. The father's relatives shall take their valuables and preserve them, and the father's relative shall have power over what is beneath lock, and she over what is outside. She shall not sell their land nor exchange it, and not sell their land or valuables without the knowledge and will of their guardian, gold and silver and land and slaves, horns of animals and pillows, those are called valuables. If she sells such as is now said, then it shall go back, because it is an unlawful sale.

XIX.

OF A WOMAN WHO MARRIES THE SECOND TIME, AND WHO SHALL TAKE CARE OF THE CHILDREN.

...

A woman marries a second time and there is a second marriage; then shall the next relatives of the father have power over the children's property. Now he is of weak mind, who should care for them, and has squandered his possessions, then he cannot care for the property of others, who cannot care for his own. Then shall their relatives go to the thing and bring complaint before the king or law-man. Is it found to be true, that he is so old, that he is unable, or so weak-minded, that he cannot; then shall he take control, who is able and willing among the father's relatives.

XX.

IF THE FATHER'S RELATIVES DISAGREE WITH THE CHILDREN.

...

Now if the father's relatives disagree with the children, then shall the mother's relatives be their guardians in such cases as are brought against the father's relatives and not for more. In all other cases shall the father's relatives bring complaint and answer for them.

ABOUT HOW A WIFE INHERITS WITH HER CHILDREN, IF HER CHILDREN
DIE, AND OF INHERITANCE FOR HALF-BROTHER- AND SISTER.

...

Now the mother's children die, then she inherits one portion with her children whether it is sons or daughters. Are there both sons and daughters, then the mother inherits as sons. If all are daughters and there is no son, then the mother inherits the same as daughter.

§1. Now half-brother and sister never inherit, while brother and sister live. If brother and sister are not in existence, then half-brother and sister inherit each ~~xxxx~~ with her mother, or all the children inherit with their mother. Now the children of one marriage can not inherit the children of another marriage before the last one of the latter is dead. When it goes beyond brothers, that is, to more distant relatives, then shall half-brother and sister inherit as brothers and sisters.

XII.

OF HOW A WIFE INHERITS A HOME AFTER HER CHILDREN, AND WHY
HUSBAND MAY BE CALLED GUEST IN THE HOUSE.

...

Now she inherits a home after her children (in a previous marriage). Everything that the husband has brought within yard and gate post, of that he shall take two lots and the wife a third. Everything else that remains follows the dowry, house and all the property; in regard to that, the freeholder is guest in the house and not husband.

XXIII.

IF A WIFE DIES AND LEAVES CHILDREN OF TWO HUSBANDS.

...

Now a woman is married and begets children with her husband. He dies, then she marries another and begets children with him. Then she dies, when she has children with two men. Then shall one group as well as the other take of the dowry equally much, a daughter as eight sons, of property as well as land and dowry. The personal property shall the sisters and brothers divide between themselves. All take the same.

XXIV.

OF HOW A FREEHOLDER INHERITS FOR HIMSELF AND FOR HIS SONS.

...

Now a freeholder lives together with his sons. Now one of them dies;

then the freeholder inherits for himself and for his sons.

XXV.

OF A FREEHOLDER WHO MARRIES AGAIN, AND HOW INHERITANCE IS PRESCRIBED.

...

Now a freeholder is married again and his son gets married. All who die afterwards, the father inherits both himself and his sons.

XXVI.

OF ONE WHO GIVES SON IN MARRIAGE; THERE THE BROTHERS ARE NOT PAID (FOR THAT EXPENSE) AFTERWARDS.

...

A freeholder gives his son in marriage, and gives friend-gift and prepares a wedding feast; the brothers are not paid for that.

XXVII.

IF BROTHERS LIVE TOGETHER, THEN THEY ARE ALL PAID FOR THAT EXPENSE.

...

Now brothers live together in the same house. One of them gets married, and gives friend-gift and prepares a wedding-feast; then the brothers shall be paid for the friend-gift and three marks for the wedding.

XXVIII.

IF BROTHERS GIVE THEIR SISTER IN MARRIAGE, WHICH ONE OF THEM SHALL FURNISH THE DOWRY.

...

Now brothers desire to give their sister in marriage. Then her brother shall pay the dowry and her bridal-gift; half-brother shall not pay, unless he himself so desires.

XXIX.

THEN IS RELATED OF HOME-BORN SLAVES, HOW THEY ARE MARRIED AND HOW THEIR INHERITANCE IS DIVIDED, AND A CONCUBINARY HAS NO RIGHT TO THE CHILDREN.

...

Now a man takes his slave in marriage and asks for a free-born woman and he calls her free. Now a free-born man asks for a slave and husband calls her free. In this he has given his opinion and she is free-born and their offspring shall take the dowry of a free-born woman.

§1. Now a free-born asks for a home-born slave and he knows, that she is a slave. Her dowry is six öre. Now a home-born slave asks for a free-born woman and she knows that ^{he} ~~she~~ is a slave; then he rights are made less; her dowry is six öre. Now they obtain property and beget children and live together, then the slave dies, then takes he, who owned him, two portions of the property, and she her dowry. That is six öre and a third of the property, and the children go always to the better half. The home-born slave dies. He that has right to her takes her dowry and the third of the property. The children always go with the better half; they go with the free-born.

§2. Now a man gives his home-born slave in marriage to the home-born slave of another. Are they both present, who have right to them; then their dowry is two öre. That is cushion and pillow for the head, that is stony-bed. Now they obtain a home and beget children. They die, then takes he, that owned the slave, the dowry and the third of the property and of the children. And he that owned the female slave, two lots of the property and likewise of the children. A man's home-born slave commits adultery with a slave; then he, who lives unlawfully with a woman, has no right to the children.

(3) The word fostra means a home-born female slave brought up at home. According to the West Gothic Law she was fostra whether she was freed or not. According to the East Gothic Law it means only such a person that had not been freed. Fostra (Isl. fostri, fosterfather, fosterson) means 1) a home-born male slave, 2) an educator.

CODE ON INHERITANCE.

.....

HERE BEGINS THE CODE ON INHERITANCE, IN WHICH THERE ARE TWENTY-SIX CHAPTERS.

.....

1.

THE SON IS HIS FATHER'S FIRST HEIR, AND NOW DAUGHTER LOSES HER INHERITANCE BY FORNICATION.

...

First is the son and then the daughter the father's heir. The son inherits two portions; daughter the third.

§1. A daughter may forfeit her right to inheritance by fornication; while her father and mother are living, and they drive her away, then she shall not inherit with her sisters and brothers, unless they take her back unto themselves and forgive her sins. If either her father or mother dies, and she disobeys the advice of the one who survives; then she has forfeited the inheritance of him that survives. If the one, who survives, receives her back after she has done thus and forgives her this and treats her well, then she can inherit.

§2. Wherever brother inherits, there sister inherits; in every case brother inherits two portions and sister a third. If she does not forfeit the inheritance from father or mother; then she shall not forfeit the inheritance from brother or other relatives, because she that inherits mother or father, he shall not forfeit relative's inheritance; since whoever inherits mother or father shall not forfeit inheritance from the relatives. Now he never takes the inheritance of relatives, who does not take inheritance from his father or mother in that side in which he loses and in which he does not inherit.

II.

OF THE TIME WHEN A SISTER COULD NOT INHERIT WITH BROTHER.

...

Now a sister says that her brother has inherited according to the new law; therefore she has right to take her lot of the inheritance; Has the brother been living on it (the land) many years, and had possession of it, then he shall have right to prove his title to it by a fourteen-men-oath; his relatives within the third degree (of relationship) shall then take that oath, take as many from one group as he can get, those that

are fifteen years old, to certify that he has lawfully done it according to the old law, when sister could not inherit with brother. Afterwards he shall take certifying oath with such as he can get.

§1. Now if there is no son or daughter, then the father inherits. If the father is not living, then the mother inherits. Is not the mother living, then the brother inherits. Is there no brother, then the sister inherits. Is there no sister then the grandson inherits.

III.

OF EQUAL RIGHTS OF INHERITANCE, LAWFUL-ISSUE AND SIDE-ISSUE.

...

and
These are equal in inheritance; is it a son's daughter ~~xxxx~~ daughter's son; is it a mother's father and father's mother; is it a sister's son and brother's daughter; is it a mother's brother and father's sister; each family takes one-half of the inheritance, and each one in his family; then shall each divide among themselves. That is to be understood in such a way, that in one family there may be one man, and in the other there may be several; then shall the one take as much as the several, and they divide equally among themselves.

§1. If equal heirs dispute among themselves, then shall always the former, he who is first mentioned in the book (this lawbook), inherit, and the other one loses, who is mentioned later. When it goes beyond that (which is mentioned in this book), then shall he take the inheritance, who is the nearest relative and closest kin. Always where both are equal and the lineage equally related, there the hat goes to and the hood goes from; ⁽¹⁾ always where both are equally related, then the direct heir inherits and the side heir goes from; that is so to be understood, that he that is nearest related, whether it be man or woman, he takes the inheritance. Now where both are equally related, man or woman, then the man takes the inheritance and the woman goes from it, unless they be sisters and brothers. Whether it be the male or female side to which a woman is related and after which she disputes about the inheritance, it shall be as is now said. Now the brothers on the father's side and the brothers on the mother's side dispute about the inheritance, and they themselves are not related; then the father's brother receives and the mother's brother loses it. Now

(1) *pa gangaer a hattaer till och huna fran*, i.e., then the hat takes and the hood goes from; or the hat takes and the hood loses. The hat in this connection means the male and the hood the female.

they, who are the descendants of the man, dispute about the inheritance, such as son's son and daughter's son; then the son's son takes the inheritance and not the daughter's son; because whoever disputes about inheritance, - one is born of the brother and the other of the sister, - then takes he that is born of the brother and not he that is born of the sister, if they both are females. Now if many are cousins on the father's side and all are equally related, then takes man as man. Now they dispute about inheritance; some consider themselves on the father's side, and others on the mother's side, if both are equally related and both males, then he takes the inheritance, who is from the father's side, and in all cases of inheritance, he that considers himself on the male side takes and he of the female side loses, if they are both equally related and both are males.

§2. Now they dispute about inheritance, direct and side inheritance. That is direct inheritance, ~~where~~ men are descendants of the man and that is side inheritance, which the man comes from ~~the woman~~. Then shall the direct heir take, and the side heir lose, if both are equally related and both are males. When there is no man, then the woman takes the inheritance if she is closer related than the man.

§3. Now if several groups inherit one man, then shall man inherit as man and woman as woman, except the dowry and the equal inheritance; that shall be divided as was said before.

IV.

THE CHILDREN OF A CONCUBINE SHALL NOT INHERIT AND THE ILLEGITIMATE CHILD SHALL NOT BE GIVEN TO THE DETRIMENT OF THE TRUE HEIRS, UNLESS THE HEIRS SO DESIRE, EXCEPT TO CLOISTER OR CHURCH, AND A CONCUBINE SHALL NOT INHERIT HER CHILDREN.

...

Now an illegitimate child shall not inherit. If one desires to give his illegitimate child anything, then he shall go to the Liunga-thing or to the king, when he is in the country, and take his heirs with him and give it with their will, confirm it before the king or law-man, and bring thither the certificate and the right to it; then the illegitimate child has a right to own it, but shall never take more inheritance; afterwards; ^{nothing} they shall not take it back, if it is done by their will. Now ~~another~~ shall be given away to the detriment of the true heirs, except to cloisters or church, without his will, who is heir and agrees to the contract and sale. Now an illegitimate child, to which property was thus given, dies and leaves

no direct heirs, then the father's and mother's relatives inherit that and the concubine never inherits her child.

V.

IF DISPUTED INHERITANCE IS DISPUTED, THEN HE HAS RIGHT TO
PROVE, WHO WILL PROVE IT WITHIN THE FAMILY.

...

Now one goes abroad and children are left after him. He dies on the way and his companions come home, and a true evidence, and prove when he died or where he dies; then they shall stand as witnesses. Now his children die, then the mother disputes with the father's relatives and says that the child has inherited the father and she her children. Then he has won whose duty it is to defend and he whom they ~~came back~~, support with the oath of two men and a twelfth afterwards. Now they disagree about the disputed inheritance, and witness does not follow, then he has right to prove, who wishes to prove it to remain within the family, and not he that wishes to prove it out of the family. Now if the relatives dispute about inheritance in cases of this kind, then the relatives shall settle that.

VI.

(2)
ABOUT MOTHER'S AND CHILD'S DEATH AT CHILDBIRTH, AND FATHER'S
(3)
AND MOTHER'S DEATH BY DROWNING, AND THEIR DEATH BY INCENDIARISM. (4)

...

Now mother and child may die at childbirth; father, mother, and child may die by drowning or by incendiarism. That is called kullsuarf, when woman and child die at childbirth. The child dies before the mother, then the mother inherits the child and the mother's heirs inherit her. The mother dies before her child, then the child inherits its mother and the next relatives of the father, inherit the child. Now one says it is not baptized and therefore it cannot inherit, and another says it is baptized; then they shall prove, who were present, what truth there is in the case as was said before. Now they disagree. The child's relatives on the father's side say that ~~that~~ the woman died before, and the woman's relatives say no; then it devolves upon four witnesses, that were present. There slave as well as free, and woman as well as man, may testify.

(2) kullsuarf, from kulder, family, and suarf, injury, damage; mother's and child's death at childbirth.

(3) kiolsuarf, kiol, the bottom of the ship; the word signifies drowning of the whole family when they are out on water in a boat.

(4) kulsuarf, kul signifies coal; the destruction of a family by incendiarism.

§1. That is kiolsuarf, when man, woman, and child drown together on a ship. They disagree as to who ^{was} drowned last. If any one was with them, who escaped, whether it be woman or man, free or slave, then they may bear witness and take oath; and afterwards they (the heirs) shall inherit as was said before. They disagree about disputed inheritance and no witness follows the testimony, then he has the right to prove, who wishes to prove it to remain within the family.

§2. Now this is kulsuarf, when man, woman, and ~~child~~ ^{their} children are burned in; then the ~~saw~~rules prevail about witnesses and everything else as is provided in case of kiolsuarf. In such cases woman and slave may bear witness and take oath and in no other cases.

VII.

ABOUT HOW A DEAD AND UNBAPTIZED INHERITS.

...

Now freeholder gets married and lives with his wife and begets child with her, and the husband dies before she knew that she was with child. Now the husband's heirs come and take his inheritance and say, that they had no children together and therefore you must not inherit him. Now she knows not that she is with child and gives up the inheritance. Then they begin to see that she is with child. He hears thereof, who has inherited, that she is with child, and goes there and kills her and is unwilling to lose his inheritance or takes her life by evil deeds. She is buried and it becomes known after she is buried, that he took her life. Now if true witnesses are found, then she shall be taken up from the ground and her corpse be cut open. Is child found in the corpse, or any resemblance of child, then the child inherits its father and mother/~~inherits~~ her child and her heirs inherit her. There the dead and heathen take inheritance and the living and Christian loses it, because no one shall murder another to obtain inheritance for himself.

VIII.

IF BROTHERS SAY THAT ANOTHER IS NOT THE SON OF A FREE WOMAN,
THERE AN OATH OF SIXTEEN MEN SHALL BE TAKEN; AND ABOUT A CHILD
BEGOTTEN IN A CASE OF RAPE.

...

Now brothers or sisters disagree about their inheritance from the father. One says that the other one is not the son of a free woman; then he has right to prove with one, that he brought the charge; the second one

the one who gives in marriage; the third, on the father's side, who is invited to his marriage; ^{the fourth on the mother's side who is invited to the marriage} and a twelfth afterwards, within the third degree; ^{a man from each family within the third degree take as many from family} that shall be his relatives, as he can get, such as are fifteen years. Then the twelve shall prove, that those, who swore before, they swore both truthfully and lawfully. Afterwards he shall inherit equally with his brother. Is he unable to furnish the oath, then he is called a man depending on mercy. Brother or sister brings no accusation against him, then the relatives shall not call him brother by a concubine, unless true witnesses are found.

§1. Now one takes a woman by force, begets child through rape; that child takes the inheritance in the same manner as the child of a free woman. Now one calls him ^a child by rape, and another one not, then he has right to prove, who can prove it with a full oath of relatives, a man of each family within the third degree; take as many of one family as he can get, those that are fifteen years, that it was begotten by rape. Then fourteen men, the mother's relatives, shall prove, that the rape was properly prosecuted as the law says, and that it was prosecuted fully for forty marks' fine. Then that child, whose rights have been thus established, inherits in the same manner as the child of a free woman.

IX.

(5)

ABOUT HOW A FREEHOLDER SHALL GIVE HIS SON A MARRIAGE-GIFT.

...

Now a freeholder desires to give his son in marriage, or he himself marries the second time; then he shall give his sons a marriage-gift. He shall then give all his sons one-half of his property. Daughter has no right to take marriage-gift; she shall be satisfied with the dowry, which her father gave her. The wife has right to a full third of his home. Then shall the relatives divide the property in two portions, as equally as they can; the father shall then take one part of the principal farm and they of the adjoining parts, but in the principal farm only, when out-lying property is ^{not} found. If either of them is a minor, then shall father care for his ⁰ portion, until he is of age.

§1. Now the freeholder dies, and leaves sons and daughters; then son as son and daughter as daughter inherit all their father's property equally.

(5) Urgaef, a gift, consisting of half of the property, which the father should give to his sons, when one of them got married, or when the father married the second time.

§2. The father might beget several children, either with their mother or with another and they might ask for marriage-gift; then shall they ask for marriage-gift from the oldest brothers and not from the old man.

X.

ABOUT HOW LOTS SHALL BE RETURNED, OR IF THEY ASK FOR EQUAL DIVISION, WHEN THE OLD MAN IS DEAD, OR HOW OATH SHALL BE TAKEN.

...

Now the old man dies, then shall all portions be returned; sister the dowry and brother the marriage-gift, because he has always the right to prove, who will divide equally. The father's inheritance shall be returned to the father's side, and the mother's inheritance to the mother's side and not the father's inheritance to the mother's side and not mother's to father's side. Now they disagree; either of them says, that the other has received more than he brought back; then he shall prove by two and twelve afterwards, that he received no more than he now brought back; such an oath shall be taken without promise at the last fest. Now while they are home together, whatever they procure by their work or by commerce or by other business, that shall be equally divided between the brothers. After they are separated, then shall what they received from their father, be divided, and not what they gain by work or business.

§1. Now brothers desire to divide their fathers inheritance, then shall their relatives be present, at least two; place the lot in a cloak and then cast lot. Now one says that lot is cast and the other says no; then he has right to prove, who will prove the lot cast by a full oath of relatives, that he obtained it by lot and lawful division with you brother or you sister. Then the casting of lot confirms what he received, When lot is cast about the principal farm, then lot is cast about what lies nearby the principal farm.

§2. Now one says that his lot is worse and requests equalization; then he has right to equalization, who wishes to divide equally. They shall return all lots with a sworn oath as was said before. Then shall at least fourteen of their relatives be present, each one within the third degree. Take as many from one family as he can get, such as are fifteen years, in such a way as is recorded in this book, to confirm the lot which he has obtained; that is so to be understood, that each one keeps what he has received. And is one lot worse than another, then they shall equalize and

make it better and not divide it anew. If they disagree afterwards, then shall fourteen relatives swear, that they could not divide more equally than is now divided. And then each one shall be satisfied with his lot and no equalization shall be made between them nor their children. Now one says, that an oath of equalization is not sworn, then they have right to prove, who wish to prove it taken, that oath, taken by two of the relatives and twelve non relatives; such an oath shall be confirmed and accepted.

§3. Now they desire to divide because of location, then they shall divide by lawfully confirmed contract and sale. When either has taken possession of what was bought, then he has right to prove by an oath of fourteen men, that he got it by lawfully confirmed contract and sale, and another certifying oath afterwards, and prove what he gave for the land. Afterwards their division shall not be equalized. Whatever confirmation is made, when they divide their father's inheritance, then it shall be equalized, unless they close up by purchase as was said before. Now until they have in this manner settled by contract or oath of relatives between them, it shall always be subject to equalization to the third man.

§4. Now if there are many sisters and brothers, when one of them buys from his brother and not from a non-related person, and if it comes from one of the sisters or brothers to the third person, then afterwards there is no equalization, as the third person shall not equalize. Now whether it be sister or brother or what heir it is, it shall so be divided as is said.

XI.

ABOUT THAT LAND AND OTHER PROPERTY SHALL NOT BE GIVEN AWAY
TO THE DETRIMENT OF THE TRUE HEIRS, AND NO ONE SHALL GIVE
HIMSELF AWAY AS A SLAVE.

...

Now one shall not give away land or other property to the detriment of the true heirs as was before lawful, and not give himself away into slavery, because Birger Jarl prohibited this.

XII.

HOW FATHER SHALL OFFER LAND AND PROPERTY TO THE CHILDREN
AND RELATIVES FOR SUPPORT.

...

Now if anyone becomes impotent or sick, so that he cannot help him-

self or procure food for himself, then he shall offer his property to the true heir if he himself has no children. If he is unwilling to take care of him, then he shall make the offer to another of his relatives. Will no one of them receive him and care for him, then he may place his property in their hands, who will care for him and feed him.

§1. If he dies then shall his heirs take his property and pay ~~tax~~ for the support, to those who have fed him, and give four marks a year for him who gave his property for support, ⁽⁶⁾ and for the woman three marks and pay ~~him~~ the wages for his work and they shall be refunded what was spent of his property or of his land yearly, and give that first for the debt. Now if they are unwilling to make up for the cost and the wages for the work, then shall he own the goods to whom he gave it.

XIII.

ABOUT THAT A CHILD OF A SLAVE OR A CHILD ILLEGITIMATELY BEGOTTEN
SHALL NOT INHERIT.

...

Now a child of a slave, or a child illegitimately begotten, or however it is brought forth, that shall not inherit; only the child of a free woman.

XIV.

ABOUT HOW THE CHILD OF A SLAVE SHALL BE FREED WITHIN SEVEN
YEARS, AND OF FULL DAYS' WORK AND OF UNLAWFUL INTERCOURSE.

...

One begets child with a man's slave, then he shall pay six ^{"ore} for the unlawful intercourse, make up her days' work, take the child after it is baptized and be free. Now the child is kept a year, pay therefore twelve ^{"ore}. The child is kept a night on the seventh, pay the full payment, that is three marks' woolen cloth or six marks in money, or four full-grown neat. He has the choice, who shall collect, to take such thereof as he desires. Now relatives never free it, while the father lives. Now he shall free it with a fourteen-men-oath, that is his child; free it for liberty not for servitude, at the Lionga-thing, after three general things are

(6) The word is ~~gaef~~ ^{prael}. This word means one who has given himself into voluntary slavery, but it means also one who has given his property so as to be supported until he dies.

called. If he, who has it, then keeps it and will not deliver it at the Lionga-thing's fent, then pay a forty marks' fine.

XV.

IF ONE DENIES HIS CHILD BORNE BY SLAVE, OR SHE DIES IN CHILDBIRTH
AND WHAT SHE IS VALUED AT.

...

Now a man denies the child of a slave and afterwards acknowledges it. That the father cannot make free. The slave dies in child birth, for that he shall pay full payment; at such a death ~~is~~ a slave worth more than a free.

XVI.

ABOUT HOW A MAN SHALL NOT ACCUSE ANOTHER FOR UNLAWFUL INTERCOURSE,
UNLESS IT IS EVIDENCED BY THE BIRTH OF A CHILD, OR HE IS TAKEN IN
THE ACT, AND ABOUT HOW CHILDREN MAY BE DENIED AND ABOUT FINE FOR
INSULT.

...

Now one shall not accuse another for unlawful intercourse, unless he be caught in the act or there be a child as evidence. Now if neither is the case, and he is accused of it, then he shall deny it with a two twelfth oath, one half named and one half unnamed, and deny both the child and the unlawful intercourse or pay a three marks' fine; and the people and the king have nothing to do with it; because it is freeholder's fine. Now he shall never take fine for insult, that is illegitimately begotten, and never shall fine for insult be paid for that woman who is begotten in shame.

§1. Now they bring complaint to obtain fine for insult, who are marrying her, then says he that is prosecuted, that it is settled and fined; then prove it with a fourteen-men-oath, that it was settled and fined, as they both agreed to and according to law.

XVII.

ABOUT HOW RELATIVE SHALL FREE HIS RELATIVE FROM THE STATE OF
SLAVERY, OR WHO SHALL ANSWER FOR HIM UNTIL THING IS CALLED,
AND HOW THEY SHALL TAKE OATH.

...

Now relatives wish to free their relative from the state of slavery; then they shall grant him personal security and offer property for him

and call a thing. Now if the freeholder commits any deed against him after he has been granted personal security, then that is so valued, as if it were done to a free man. His relatives shall answer for all his deeds, those that he does after he has been granted personal security, and not the freeholder. Now all deeds which he did before he obtained personal security or after he was deprived of it, the freeholder shall pay for as for the deeds of any other slave. Now he fails to carry ~~xxx~~ ^{on} the prosecution during three days on which thing is held, then shall the freeholder go to the thing, and have the personal security declared null and void; he may then have power over him without blame as before. Now he continues his case, then he shall call three general things, the fourth a Lionga-thing. At the Lionga-thing they shall present a full oath of relatives, each in the third degree of relationship; take as many of one family as he can get, those that are fifteen years; thus it shall be about every oath of relatives as is now said. Then shall two prove this and twelve afterwards, that he is so far related to them and so closely related, that they have right to free him lawfully, and another fourteen-men-oath after and thus swear, that "we free him to be among our relatives and related men and not to servitude." Then this is lawful ransom: three marks' woolen cloth, or six marks in money, or four useful kine, and thirdly an oath shall be sworn thus: two shall prove, that it is the property of the relatives and not his property and not payment for his property; these three oaths shall at the Lionga-thing be taken without previous promise. Now he shall have right to take of those three such a one as he wishes. Now he may thus far keep him. If he keeps him afterwards he is liable to forty marks. The freeholder desires to have more oaths, brings complaint because of enticement or allurement; then he shall deny it with a twelfth-oath, that he did not entice or allure his property or his possession, or pay a fine of three marks.

XVII.

ABOUT THAT HE SHALL NOT FREE ANOTHER, WHO IS HIMSELF FREED,
AND NOT THE WOMAN, WITH WHOM HE HAS BEEN LIVING IN UNLAWFUL
INTERCOURSE.

...

He shall not free another, who has himself been made free, and not the woman with whom he has unlawful intercourse.

XIX.

IF CHILDREN OF A FAMILY ARE HELD AS SLAVES, THEN SHALL THE
OLDEST FIRST BE MADE FREE.

...

A group of children of the same family is held in the state of slavery then shall the oldest always first be made free; thereafter all with the full ransom and not with oaths.

XX.

ABOUT A MAN WHO GIVES HIS SLAVE FREEDOM FOR HIS SOUL'S SALVATION;
WHO SHALL THEN ANSWER FOR HIM, AND HOW HE IS ADOPTED INTO THE
FAMILY, AND HOW HE SHALL INHERIT.

...

Now a man gives his slave freedom for his soul's salvation, then he shall both answer and bring accusation for his deeds, until he is adopted in a free family, and he shall not stand in an oath, and not have right to buy or sell, and everything done to him, that shall be so considered as if done to a slave and no more.

§1. When he shall be adopted into a free family, then it shall be done by permission of the owner; the one who wishes to adopt shall then take a fourteen-men-oath at the thing without previous promise; that he becomes free by the owner's sanction and good will and "we take him into the property with us". Afterwards he may bring accusation and defend himself and stand in the oath. If he dies without child, then shall he, who adopted him to freedom, inherit him. Likewise if he was made free by property and oath of relatives, as was said before. And if he has no direct heir, then shall he that gave him freedom, inherit him.

XXI.

ABOUT THAT A SLAVE SHALL NOT BE MADE FREE DURING SPRING OR
DURING HARVEST SEASON.

...

Now one wishes to free a man from the state of slavery. Then he shall not make him free during harvest season or in seeding time, unless he procures for the owner another one equally good, during that time for his work.

(7) Anfríp sella uartima, harvest-peace or in the spring-time, when help was necessary and when it was not lawful, except in a few cases, to prosecute another.

XXII.

ABOUT THE INHERITANCE, WHEN A MOTHER DIES, OR IF LAND IS GIVEN
HIM, WHO SHALL AFTERWARDS INHERIT IT.

...

Now a man dies, he that has no heirs within the land, If the true heir comes within a year with a certificate or full proof, that he is the true heir; then he inherits him. If he does not come within a year, then the king takes his inheritance, whether it be land or personal property. That was formerly called dead man's inheritance. If land is given him, then he takes the land that gave it.

XXIII.

ABOUT HOW THE KING INHERITS A NATIVE, AND HOW MUCH HE IS
VALUED AT IN CASE OF MURDER, WOUND, OR LIGHT INJURY.

...

Now if a man is a native and his heirs are known; then ~~xxxix~~ the inheritance shall stand there until he comes. If one does not know his heirs, and comes no report from him or any certainty where he is, or he himself ^{in the case of} comes within a year, then the king inherits in the same way as ~~the~~ foreigner.

§1. Now if he is killed, then fine shall so be paid for him as is established. If he is cut full-sore or struck a light wound, pay fine for him as for the free man.

XXIV.

IF A MAN SAYS THAT ANOTHER IS A SLAVE, THEN HE WHO IS SO CALLED
SHALL DEFEND HIMSELF WITH A FOURTEEN-MEN-OATH.

...

Now one says that another is a slave; then he who is so called shall defend himself with an oath of fourteen men, by his relations within the third degree of relationship. Take as many of one family as he can get, ^{are} those that are fifteen years, that ~~xx~~ free and freeborn. If he can take the oath, then he is free, and if he has done any wrong against him, then pay fine as is said.

XXV.

IF ONE CALLS HIM A SLAVE THAT IS MADE FREE, OR HIM THAT WAS
GIVEN HIS LIBERTY, AND HOW THEY SHALL DEFEND THEMSELVES, OR
A FREEHOLDER BEGETS A CHILD WITH A SLAVE.

...

Now he calls him slave that is made free; for him fine is paid; then

prove by an oath of fourteen men, an oath of relatives as was proper and according to law. Now one says that man to be a slave, who was given liberty; then prove by an oath of fourteen men, that he was adopted by permission and consent of the rightful owners.

§1. Now freeholder begets child with his slave, then freeholder shall not sell his child and not hold it as slave; neither brother his brother nor sister her sister.

XXVI.

IF BROTHERS LIVE IN THE SAME HOUSE, AND ONE OF THEM BEGETS
CHILD WITH THEIR SERVANT OR CAUSES HER PREGNANCE AFTER THEY
HAVE DIVIDED THE PROPERTY.

...

Now brothers live in the same house, and one begets child with their servant, that child shall be free. Brothers do not need to pay anything
(3) therefore. Now they divide and one of them goes then after her and causes her pregnancy; then he shall redeem or free the child as a non-related man.

(3) The words in the text are: *paer aghu egh bröpaer fullnaþ firi*, the brothers do not pay anything therefore. The word *fulnaþer* means a filling, a compensation. *paer ganger ej fulnaþer firi*, for this no pay or compensation is given.

VII.

SALE OF LAND.

.....

HERE BEGINS CODE ON SALE OF LAND, IN WHICH THERE ARE TWENTY-
FOUR CHAPTERS.

.....

I.

ABOUT HOW THE KING SHALL OFFER LAND TO BE REPURCHASED, AND HOW
HE SHALL DONATE OR SELL COMMON LAND.

...

Now the king wishes to sell land; he shall offer it to his relatives
in the same manner as a freeholder.

§1. The king wishes to donate land; then shall he that receives the
property, keep three tables for the king. The king shall take ^{of} the same
land as he donated and place it in the receiver's cloak. He shall take
security for the king's table. The king shall give him a written contract
and privilege that it is lawfully donated to him. Now the king wishes to
take it back while he is inside the threshold; that is the king's right.
Now one foot is outside the threshold and the other inside, then he has
right to take it back. Now both feet are outside and he brings complaint
afterwards, then the freeholder has right to prove with an oath that it
was lawfully donated to him.

§2. Now the king wishes to sell common land. Then his master of stable
shall draw up the line. The freeholder shall keep three tables for him and
take deed for the land and he shall take a written deed. Now complaint is
brought afterwards; then the freeholder has right to prove.

II.

ABOUT HOW THE PEOPLE HAVE RIGHT TO PROVE AND NOT THE KING.

...

Now if they dispute, the people and the king, then the people have
right to prove and not the king.

III.

IF A FREEHOLDER WISHES TO SELL LAND AND HOW HE SHALL OFFER
IT BACK OR OFFER OATHS.

...

Now ~~the~~ freeholder wishes to sell his land, then he shall offer it back to his relatives. The father's inheritance to the father's relatives and the mother's inheritance to the mother's relatives. Then he shall take two of his relatives with him and call a thing and offer it back; ^{to} one at ~~the~~ home and ^{to} all at the thing; sit in a fent at his own place. Thither they shall come, who wish to buy, and bring money. Then he shall call three things and sit in three fents. He shall then go to the thing and announce that he has offered the land lawfully; then he may be judged to sell it lawfully to whom he wishes.

§1. Now he sells it afterwards. The relatives consider, that it was not lawfully offered and complain against the one who received it. Then shall he prove title to it, who sold it, with two of his relatives that were with him, that he offered it lawfully and twelve afterwards; when it is defended for one, then it is defended for all. Is he not able to take the oath, then shall he go back to his payment, ~~xxxx~~ ^{who} ~~xxxx~~ bought, and he that sold it pay three marks, that is called compensation-öre, and afterwards take the twelfth-oath, that he did not bring complaint for breaking the sale they had made, and he that complained get the land and fill up the compensation-öre and the value to him that sold it without title. Now he is dead that sold, then he has right to prove that bought.

§2. Now less land need not be offered than a sixth of ^{an eighth} in an established village, or a three marks' worth of ^{was} ~~a~~ uncultivated and wild land. If anyone is dissatisfied and says that it ~~is~~ ^{was} not lawfully offered, then he has right to prove with a full-oath of relatives, that ^{this} he sold outside of the family, ^{because} ~~that~~ so small a tract of land did not need to be offered back.

IV,

IF MEN EXCHANGE LAND AND THE OTHER REMAINS ON IT AND REGRETS HIS SALE, OR HOW CONTRACT SHALL BE MADE.

...

Now men exchange land or a man sells land to another ~~man~~, then he shall take as many contracts as the premises are divided into in that sale. ^(the seller) He remains on it and regrets the sale, holds locks and keys, lives on it with fire and fireplace, or it is a rented land and ^(the buyer) he retracts before he has rented it, then he has right to retract the sale in this manner. Now he that bought it, shall appoint three things and sit in three fents. At the third fent bring a lawfully confirmed contract of the sale with an

oath of fifteen men. One shall swear that he or his heir is the one that made the contract of that bargain, and two shall so swear, that they or their heirs were present, when the purchase was made and a twelfth after that he received the land with contract and in a lawful manner. Then shall the seller pay a compensation-^{ore} to the buyer, three marks for every contract. The people and the king have no right ~~these~~. Now at the first lawful prosecution he shall not prove more than one contract. If he wishes to prove several contracts against him, then he shall order as many lawful prosecutions as he has presented contracts against him. Now when a lawful contract and sale is brought against him, then he shall, whichever he rather wants, hold the purchase and move away from the land or break the sale and pay the value and the compensation ^{ore}. Is he unwilling to pay the value and the compensation ^{ore}, at thing and fent, then pay nine marks for lawful prosecution to the king, county, and plaintiff.

§1. Now he denies, says that he has not sold it; then he shall take two fourteen-men-oaths at the same fent, another one to the fact, that owns it and ^{secured} he has never disposed of it, and another that he has ~~given~~ lawful title. If both take the oath, then the county jury shall find out, what truth there is in it.

§2. Now whoever questions a contract against another, then he does not prove his right to the land, but he frees himself of suspicion of unlawful intrusion and proves the value and the compensation-^{ore}, to himself. Now he shall always have the two, who were present and he that made the contract or their heirs. Does he not bring him the confirmation and ^{he} the land, has ^{used} ~~xx~~, then pay three marks. Has he not used it and does not prove the purchase established, then he does not pay fine and takes no compensation-^{ore}. Now when he shall swear; then he shall stand upon the same land that he had received.

V.

IF A SELLER MOVES AWAY, AND HE THAT HAS BOUGHT, HOLDS IT, OR
IT IS A RENTED LAND AND HE HAS ~~IE~~ RENTED.

...

Now if the seller moves away and he that has bought it moves there ^{over} with fire and fireplace, has power ~~at~~ the house, locks and keys. Now if he, that has sold it, brings complaint or his heirs, or it is a rented ^{rented it} land and he has ~~secured~~, and the renter comes there with ~~fire~~ and fireplace and lives there, then he has right to defend himself with a fourteen-

men-oath, if he brings complaint, who has sold it, or his heit, that he got it by lawful contract and sale, and stand on the same land and prove that he has been paid, and another oath on title afterwards. If it be personal property, that he bought his land with, then prove, that he got it with a confirmed contract and sale and all lawful requirements and an oath afterwards.

VI.

IF MEN EXCHANGE LAND AMONG THEMSELVES, OR THAT LAND IS FOUND
FAULT WITH WHICH HE HAS RECEIVED.

...

Now men exchange property and the property is complained of which he has received; then he shall notify his warranter. Is he not able to prove the title, then shall each go to his property and he shall pay three marks, that sold it without title. Land shall always stand as security for land to the third man; after that each shall defend his acquisition by inheritance and not by ^{the} sale, and the third man shall defend it and not prove his title to it.

VII.

IF ONE MAN SAYS THAT HE HAS BOUGHT MORE, AND ANOTHER SAYS
THAT HE HAS SOLD LESS, OR HE SELLS ALL HIS PROPERTY IN A
VILLAGE.

...

Now they differ. One says that he has bought more, and another that he has sold less; as long as he has left in the village place for wagon and roads; then he has right to prove what he has sold and what he has left. Now he has sold all in the village, then he has right to prove, who can present a lawful contract of the sale. He shall give him title as the contracts require or return his own to him with three marks or deny it with an oath of twelve men, that "this I sold to you and never any more;" then the county jury shall find out, what truth there is in the case. He does not wish to give title nor take a twelfth-oath, then pay him so much as he is lacking in land, and pay three marks fine. Pay one mark to the plaintiff, who owns the land, the second to the king, the third to the county.

VIII.

ABOUT EXCHANGE OF LAND, AND HOW CLEAR TITLE SHALL BE ESTABLISHED,
AND ALL PARTIES TO A SALE SHALL BE PRESENT, AS WAS DECLARED AT GLOHOLM: (1)

Now men exchange land or men buy from one other, then many sales are made. Now complaint is made of the land; then shall each one sue his warrantor, and the two come to the last fent. If he proves a clear title, then all sales stand. He does not prove a clear title, then it was first so established, that they should bring proof and he, who bought, return to him what he paid, and he to the land, who sold it. Now it was so declared at Gloholmum, that the seller might be absent, and did not prove the title, then they could not settle the case that day. If they did settle the case and brought a clear title, then it was unlawful. Now he does not bring clear title, and they made no settlement, then he, (the seller) shall lose both the value and the compensation-öre. Now remember this freeholders, that this is now so established, that all those, who have part in the sale, they shall come to the fent, when title is to be established for. Clear title is procured, then it shall not be certified by oath that day, unless he wishes, but he shall call a meeting the first Monday that comes after the fent on a week-day, each one for his seller as was said, and bring notice thereof Saturday. Then shall the judge call a fent on Thursday, each one shall stand on his land. Then he shall first swear, who conducted the sale, or his heirs, that he conducted this sale at that time, requested by both parties. Is the man dead, who confirmed the purchase, then shall the heirs of the man who confirmed have the same right to prove it and likewise two afterwards, that they who were present knew, that he was the salesman. Then shall he that received it swear, that he received the land with lawful contract and sale, and "never was I a robber in that matter," and eleven afterwards that he swore truthfully; take he the land, who gave land, and take he personal property, who gave personal property. He that is able to prove takes then three marks, and the confirmation, that he then made, is as lawful, as if it had been made in the third fent.

(1) Gloholmbar, was a place in Östergötland, where a public meeting sometimes was held. It is not known where in Östergötland it was.

IX.

IF A MAN BUYS LAND FROM ANOTHER AND HE FINDS FAULT WITH ONE PART, OR HE BUYS IN THE EVENING AND DIES DURING THE NIGHT.

...

Now one buys land from another and one portion of the land is found fault with, and the seller cannot prove clear title. Then may he, that has bought it, either hold it or retract it, whichever he likes, and receive back his payment.

§1. Now one buys property with money in the evening. He dies during the night and it is found fault with in the morning. Then the father proves it to be acquired property and the son proves ~~it~~ it to be inherited property. Now he dies that sold it and the property is complained of, then shall he prove, who had received it, with two men that he got it by lawful contract, and every lawful acquisition and an after-twelfth, that they swore both truthfully and lawfully. Two other ^{and twelve} shall prove ~~an after-twelfth~~ that he owned it, while he lived, without complaint and trouble.

X.

ABOUT THAT ONE SHALL NOT PROVE TITLE BY A DEAD PERSON, AND THE BUYER SHALL NOT PROVE HIS TITLE HIMSELF WHILE THE SELLER LIVES.

...

No one shall establish his right by a dead person, and no one shall go to the grave to prove a clear title, because each one shall prove the title for himself. Now while he lives, who sold it and another brings complaint, then shall the buyer never prove his title to it, but if he wishes to prove the title, that sold it; then prove it with a fourteen-men-oath, that he owned it and never disposed of it before he sold it; then a certifying oath afterwards, that I have lawfully acquired it and never did dispose of it, except to this man. Will he swear against, that brought complaint, then it shall be referred to the county jury whoever of them is the more truthful.

XI.

IF THE SELLER WILL NOT SHOW CLEAR TITLE, THEN HE SHALL TAKE AN OATH AGAINST HIM, AND HOW A THIRD MAN MAY DEFEND IT.

...

Now if seller will not prove clear title, then he shall bring against him a lawfully confirmed contract and sale with an oath of fifteen men, as was said before, and receive back the value and the compensation-öre.

§1. Now if they exchange ~~the~~ land, then he shall never prove a clear title himself and not his heir, but refer it ~~to~~ to the third man. Then the third man may defend it but not prove title. And in all cases of sale, then shall the third man defend it and not prove title; that is so to be understood: lives a third man on their land, which is complained of, then he has right to defend it; if another lives on it and complaint is made against him while he lives from whom he obtained it or his heir, and as soon as it has come to the third man, then he shall defend it, who obtained it and not depend on the title.

XII.

ABOUT
EVERY DISPUTE ~~SWER~~ LAND SHALL BE DEFENDED ON THE LAST FEMT,
OR BE GIVEN BACK, UNLESS HE HAS A HINDRANCE.

...

Now every dispute ^{about} ~~swere~~ land shall be defended in the third femt, or they give it back, unless he has hindrance, who was sued. This is hindrance: he himself lies sick, or is in the service of the kingdom, or that he is so sued, that the last femt comes in the Lent or on a holiday; or he that shall prove the title of the land to another is out of the land and jurisdiction, then he shall have it sworn to with two men, that my man who shall prove the title is out of the land and jurisdiction or is sick and has true hindrance.

§1. Now he has had two to swear that he is out of the land and jurisdiction; he comes home within a year, and proves clear title, then all is well. He comes not, then it shall remain and await the king's jury and no prosecution be ^{made} afterwards. ^{the} If county jury says, that it is lawfully obtained; then he shall have it; if it says that it is not lawfully obtained, then that land is by right ^{ad-} judged to him, that has it by right, and he takes the value, who gave it.

XIII.

IF A MAN SHALL PROVE HIS TITLE AND IS SICK, OR HIS SELLER IS
ABROAD; THERE WITNESSES SHALL TAKE OATH.

...

Now a man is called to the thing, who should prove his title. He takes sick and is sick abed, so that he is not present to defend himself; then he shall have two men swear as witnesses, that for this reason he was not present today, because he was sick in bed.

§1. Property is complained of before a man and his seller is out of

the county, and also the man that made the contract. Then shall two men swear, that the seller and the man, that made the contract, are out of the country and jurisdiction. Then it shall remain a year. If he does not then come home, then it shall be referred to the county jury, whether he gave him lawful notice or not.

XIV.

IF LAND IS COMPLAINED OF, OR TWO HAVE BOUGHT LAND, AND IF A
LAND-OWNER MAY DEFEND HIMSELF BY OATH.

...

Land is complained of to a man and three things are held, and he brings the complaint at the third thing. Then shall he, who is judge, appoint three men at the thing. Is he unwilling to come to the fent or he that is willing to swear at the thing, that he had a hindrance; then shall those that are appointed at the thing, read the oath. Now a thing is appointed and such land is complained of that cannot offer an oath, and he himself is unwilling to stand and read the oath, then shall two men from the thing be appointed, who shall read the oath. Then it is as lawfully done as if he himself had done it. Now a man sues and complains of the land and ^{has} hindrance even at the third fent, and he is not willing to sue any more, then he himself shall appoint a fourth thing and defend his land at the fent with lawful judgment.

§2. Two men have bought land and both claim it; then both shall rely on the warrant. He has the land, whom warrant follows. Then shall the other sue for value and the compensation-öre with a lawful proof of contract and sale. The other one shall then pay out the compensation-öre or deny, that he never sold him; then it remains with the county jury, whoever is the more truthful. Now if he swears thus, "that I sold this before," and does not deny, that he has sold to both, then it is not perjury; he shall then have the land who proved title to it, and the other take the value and the compensation-öre of him who sold. Now lawful prosecution is appointed and neither defends it, then he has right to the land who sued, and lawful prosecution goes against him that was sued, and he has never any right to defend the land, unless he had hindrance as was said before.

§3. Now every dispute about land shall be made within a year. If he does not sue thus, then his suit is not lawful, Now no more than one land-owner shall stand in defense of land.

IF DEFENSE OF TITLE TO LAND IS CLAIMED TO BE MADE UNLAWFULLY
OR COMPLAINT IS MADE IN REGARD TO ~~THE~~ FIELD OR ~~THE~~ UNLAWFUL
USE OF IT.

...

Now one says that defense of title to land is made ~~contrary~~ to law; appoint three things and three fents. Then he shall at the third fent prove with a fourteen-men-oath, that he has defended that land according to law. He fails of the oath, then shall those that swore before, pay fine for unlawfulness. Now he awaits the decision of the king's court, then shall the county jury prove, what truth there is in it, and prove whether it is lawful or unlawful.

§1. Now ~~for~~^{all} ~~oath~~ regarding land, no security shall neither be given or taken; they shall be taken at the last fent without giving or asking security. Now they may desire to give or take security regarding defense of land; if both agree to it, then it is lawfully done, if they do not agree, then ~~it~~^{the oaths} shall be taken at the last fent.

§2. When one defends land, then he shall stand there^{and} take the oath where the land is, about which another brings complaint against him. If he brings complaint regarding ~~the~~^a lot and all that belongs to it, then he shall stand upon the lot and defend all that belongs to it. If he brings complaint regarding the field or meadow, or a forest; then he shall stand there where it lies against which complaint is brought and defend it. If he does not do so, then he acts unlawfully.

§3. Now one sues for unlawful use of land, then he shall sue him who has so used it. Is it a renter, then sue him, and the renter sues the landowner. Is he willing to prove clear title, then the renter is guiltless. Is he not willing, then shall the renter prove with a fourteen-men-oath, that he rented it to him and then shall the landowner pay fine for the unlawful use of land and not the renter. Now if the landowner denies it, then he shall deny it with a twelfth-oath. These oaths shall be taken at the last fent without security. Then shall the county jury find out, what truth there is in it. Now if the renter cannot take an oath of permission, then he shall pay fine for unlawful use of land.

§4. Two men sue because of dispute about land and both defend it, then shall the county jury prove, which one has more truth on his side. Which one the jury convicts, against him the lawful prosecution goes. Now

if he that sued, defends it, then the case goes against him that sat still and did not defend, and he has never right to defend that land, unless he has lawful hindrance, as was said before. Now if he has such lawful hindrance, then he shall go to the thing and show his excuse and take an oath and receive judgment and then he may call a fourth thing and defend his land. Now if he, that was sued, defends it, then the lawful prosecution goes against neither of them, because he should not defend before at the last fent.

§5. Now one sells land to someone and another goes there and uses it without dispute; then shall he that received it, sue his warrantor, the warrantor shall then sue him that used it and ask him to receive the oath of the warrantor from him and then he shall prove the title in the third fent, and take no oath of permission. Now one uses another's property and is not able to deny it, and is not able to take an oath of permission or he himself is not able to defend it, or does not obtain title to it and uses ^{the} land unlawfully. If he gives it back at the last fent or before, pay a fine of three marks. Now he uses the land of several men, that is not divided between them, pay three marks. Then he shall keep ^{back} one mark, as a plaintiff's right at the third fent and then ~~xxx~~ pay it to them that afterwards bring complaint, even though they are not all present at the last fent, who have part in the land. If they bring complaint against him afterwards, then he shall swear with a fourteen-men-oath, that he held it to the last fent. Now they all demand their own, then he shall at once pay fine and not hold it to the third fent. Now one uses the land that is divided in lots and lawfully divided between them; then pay three marks' fine for every such land that he uses, belonging to another man, lawfully divided in lots. Now a village uses property beyond its own boundary, belonging to another village, pay a fine of three marks, each one that uses it unlawfully. Each one take so great a part in the fine, as he owns in the village; the whole village pays fine for one prosecution.

XVI.

IF ONE BORROWS MONEY AND GIVES HIS LAND AS SECURITY, OR HOW
IT SHALL BE DECIDED ABOUT SUCH CASES AS BELONG TO IT.

...

A man borrows money from another and gives his land as security, and makes these conditions, that if the money is not paid on that date, then it is a real sale. Now the money is not paid on the same day as was agreed

on, and the other one keeps the land afterwards three years or more, then it is a real sale. Now he that owned the ~~sais~~ land says that it is not a real sale, or he says that the time had not come, then he has right to prove, who wishes to prove the sale.

§1. Now if one wishes to mortgage his land, then he shall first offer it to his relatives. Are they not willing to loan money on it, then he shall go to the thing and take judgment; mortgage it to whomsoever he wishes.

§2. Now if he has not moved on it with fire and fireplace and he has not rented it, who held it for mortgage; then he has the right, who wants to break the contract in such manner, ~~se~~ that if he sues him ^{at} three things and three fents, who holds it for mortgage, and says that the appointed time is out and asks to receive the land back again, then he shall swear two fourteen-men-oaths to the effect that he never did dispose of it and another one afterwards that he obtained it with clear title. Now if he acknowledges that he transferred the land to him, then he has right to prove with an oath of fourteen men, that he transferred the land ^{him} to ~~by~~ mortgage and not by a sale; and another fourteen-men-oath and bring forth so much money as the land was valued at, that such money he offered them on the appointed day and he ~~xx~~ himself is to blame that he did not accept it, and pay out the money. Now they differ. He says that the money is less, than he paid out. Then he shall prove with an oath of fourteen men, that they are equally as good as those he received. Now they disagree about the day. One says that the day comes earlier, ^{the} another one denies it; then it depends on the testimony of the man who conducted the sale; If he then swears against after he (the holder of the mortgage) has so sworn as it is now said and proves he has received it ⁱⁿ with a real sale; then the county jury shall prove what truth there is in the case.

XVII.

IF LAND IS COMPLAINED OF BEFORE ONE, THEN IT IS COMPLAINED OF
BEFORE ALL, IF THEY ALL MAKE COMPLAINT TOGETHER,

...

Now if several persons, either brothers or a village, claim a piece of land; when it is defended before one, it is defended before all, if they bring a common complaint.

XVIII.

IF EACH ONE SEPARATELY CLAIMS THE LAND AND NOT AFTER THE DISPUTE ABOUT THE LAND HAS BEEN SETTLED IT SHALL NOT BE BROUGHT TO THE LIONGA-THING.

...

If each one separately claims the land, then he shall separately defend it against each one.

§1. Now a Lionga-thing shall not be called for dispute over land and then after-oath⁽²⁾ shall not be received after a case is settled at thing or fent.

XIX.

IF THEY DISAGREE ABOUT LAND, RECENT INHERITANCE, OR ABOUT ANCIENT INHERITANCE.

...

Now they disagree. One calls it an ancient inheritance and another recent inheritance. If neither of them lives on it and they disagree about rent, then ancient inheritance stands and recent inheritance must produce proof. Now he lives on it who has acquired it, then the acquired wins over the inherited.

§1. Now they dispute, namely the ancient inheritance and the recent inheritance and contend about rent and both are using what they dispute about; then shall the ancient inheritance remain and the recent inheritance must produce proof. Now he lives on it, who calls it recent inheritance, then the recent wins over the ancient.

XX.

IF A CHURCH OR CLOISTER DESIRES TO DISPOSE OF ITS PROPERTY, AND HOW THEY SHALL PROVE CLEAR TITLE.

...

Now a church desires to dispose of its land, then shall the bishop or provost be ~~be~~ notified, buy an equally good piece of property, because a minor's or a church's sale shall not be otherwise made than for the better. Is complaint made, then it shall be equalized or the sale go back.

§1. Now a church or a cloister desires to sell ^{its} ~~his~~ property; it shall not be offered back to the relatives.

(2) An oath to the effect, that an oath in the principal part has been taken or fines have been lawfully offered to the opponents.

§2. Bishop buys land and he dies, then the church inherits, if he has no direct heir, and the land that he bought; then shall the bishop, who succeeds him, inherit that as his father's inheritance, likewise the cloister and the church.

§3. Now always where freeholder shall prove clear title, then in the same manner shall bishop, cloister, and the church prove it.

XXI.

ABOUT EXCHANGE OF MINOR'S LAND, OR IF HIS LAND IS SOLD FOR
PERSONAL PROPERTY.

...

A minor's land shall not be exchanged except for the better or for one equally good. If his guardian should become so poor, that he is not able to care for the children in minority; then he shall notify other relatives, that he may take them and feed them and not sell their land. Is he not willing, then he shall go to the thing and make it known and receive judgment and sell their land for personal property, wherewith to support them. And for no other cause shall he sell their land for personal property.

§1. If a minor's land is sold for personal property, then he may within three years break the sale, when he becomes of age. He does not break it within three years, then has he, who received it, right to keep it. Or he is out of the country, and is he of age, he comes home, then he may retract it within a year. He does not bring complaint within a year, after he comes home, then he who bought it has right to keep it.

XXII.

IF BROTHERS LIVE IN THE SAME HOUSE, THEN THE OLDEST HAS RIGHT
TO PERFORM A SALE.

...

Now brothers live in the same home, then the oldest has right to make ~~the~~ sales, in everything they own, except that he shall not dispose of their paternal inheritance, unless all agree to the transaction and not only one of them.

XXIII.

IF FREEHOLDER WISHES TO SELL HIS RIGHT OF OWNERSHIP IN A SLAVE
TO ANOTHER.

...

Now a home-born slave lives in a home, the freeholder wishes to sell his right of ownership of the slave; then the home-born slave shall be bought with a lawful contract.

XXIV.

IF A MAN BUYS A MILL OR A FISHING CONTRIVANCE, AND ABOUT LAWFUL
CONFIRMATION THEREOF.

...

Now a man buys a mill or a fishing contrivance. Is lawful title
(the water) occupied,
secured, then he has right to defend it. If it is not ~~built~~[^], then it shall
be divided, and eighth takes as ~~an~~ eighth.

.....

HERE BEGINS THE CODE ON SALE WITH NEGOTIATOR AND WITNESS,
IN WHICH THERE ARE THIRTEEN CHAPTERS.

.....

I.

FREEHOLDER DESIRES TO SELL HIS SLAVE OR LIVING ANIMAL, THAT
HAS HORNS AND HOOFS.

...

Freeholder desires to sell his slave. He shall be sold with negotiator and witness the same as a horse. Now all living animals, which have horns and hoofs, all such shall be sold with negotiator and witness, except chickens and goose, dog and cat; cut cloth and weapon with handle, sword with a handle, worked gold and silver, house with locks and doors, all these shall be bought with negotiator and witness.

II.

IF ONE BUYS HOUSES THROUGH NEGOTIATOR AND WITNESS, THEN THESE
(1)
SALES NEED NOT BE REFERRED TO THE THIRD MAN..

...

One may obtain houses through negotiator and witness, these sales will not need to be referred to the third man. If such be complained of, then shall the one that bought, sue the negotiator, and the negotiator sues the one who sold it. If they come ^{the} before a lawful fent, then it is well; if they do not come, then let two swear, that the negotiator and seller are not within the country and jurisdiction, or that they have lawful hindrance. The case shall then remain a year. If he does not come then, ~~he shall~~ transfer the houses and three marks with them. .

III.

IF HE THAT SOLD BRINGS COMPLAINT, AND HOW NEGOTIATOR'S OATH
SHALL BE TAKEN.

...

Now he himself that sold brings complaint, then shall he that received it, defend it with an oath of fifteen men. One of such that knows this, that "I was present at such sale which you dispute about, both as asked

(1) ganga at lepznum, refer to the seller and from him to the third man.

(2)

and lawful negotiator, and two of his witnesses to the sale, that they were present and knew that he received it with negotiator and witness. This they shall swear and an after-twelfth, that they swore both truthfully and lawfully.

§1. Now it, (the property in dispute) is at the house of a freeholder and another one says, that he has bought it; then he has right to deny that he ever disposed of it. Now if the other one gets away with what he bought, then he has right to prove as is said, unless he robbed it.

IV.

IF A MAN IS LAWFULLY ACCUSED OF ROBBERY OR STEALING, THEN DENY
(3)
THE ROBBERY.

...

Now if he robs or steals it, then deny first the robbery and then defend afterwards. Is he not able to deny it, then pay fine, and he has right to prove who brings complaint, to deny that he never disposed of it; for that reason he must deny, that one shall never rob to obtain right to prove. To this two shall swear, and an after-twelfth, that they swore both truthfully and lawfully.

V.

IF A MAN SHOULD BUY WITH CONCEALED FAULTS, THEN HE SHALL OFFER
IT BACK WITHIN FIVE DAYS.

...

A man buys anything having a concealed fault, then he shall offer it back within five days. He that sold shall deny with an oath, that he sold it with a concealed fault. Can he not take the oath, then their sale goes back.

VI.

NOW IF THE MAN IS COMPLAINED AGAINST REGARDING WHAT HE HAS
RECEIVED AND ABOUT RIGHT TO PROVE AND HOW IT SHALL BE LED
BACK AND HOW IT SHALL BE SEQUESTERED.

...

Now one brings complaint against a man; what he has received, he considers stolen from himself. Then it shall be sequestered for five nights. The buyer shall speak to his negotiator. Is the negotiator and seller within

(2) at iak var at py, sum ir delin um, etc., is a formula that was used in courts.

(3) The heading reads: Um, an man raeni aella stial etc. about if a man robs or steals. The idea is, of course, that, if he was falsely accused, he had right to deny it.

the land, then he shall at the first fent refer it back to the negotiator and the negotiator to the seller.

§1. Now the negotiator and seller is not at home, then go there with an oath of two men and prove at the first fent, that therefor he does not refer it back to the negotiator, and his seller has lawful hindrance. This is lawful hindrance: He himself is sick or is not at home. Is it sequestered for another fifteenth night's fent, have the same right to prove. Now if it comes to a five nights' sequestration, then shall he let two men swear. Does he not offer this oath, then pay a three marks' fine and afterwards place the property in a fifteen nights' sequestration. Then he shall let two men swear, that the negotiator and seller have true hindrance. Then it shall be placed in a month's sequestration, afterwards oath on hindrance will not avail. Then he shall let it be placed for a half years' sequestration. Then shall also two swear, that they are out of the land and jurisdiction. He fails also of this oath, then pay three marks. He shall then reckon from the first day on which complaint was made and all fifths included; then it shall go in sequestration of a night and a year. Comes he even then to the boundary, who can prove it home-born and wishes to establish his title, then all is well. If he does not come, then shall he that bought it with negotiator and witness prove, that he is not a thief. If the negotiator swears thus and asks God to help him, that "when I sold that, then I did not know that it was stolen," and two shall swear that "we were present when this was sold with negotiator and witness," and an after-twelfth that they swore both truthfully and lawfully. And the negotiator shall take care that he does not swear more than once and the buyer shall take care that he swear not in the oath of the negotiator. As soon as that oath is taken, then the buyer is guiltless.

§2. Now he does not bring the negotiator with him to the boundary, then the buyer is liable to a fine of forty marks and shall not lose his life. If either the negotiator or his heir swears and fails of the oath, then pay forty marks' fine, and all those oaths sworn before will be void. The buyer swears against the negotiator and he does not take up the case except is is sworn. Whenever hindrance comes, then he shall affirm by oath, and not only notify. The negotiator shall answer for the value, get it either from them, who asked him to be negotiator, or pay it himself; and afterwards shall the negotiator deny with an oath, that "when I negotiated this thing, then I did not know, that it was stolen," and thereby

he clears himself of being a thief, and give them the value that bought and bring complaint against him, who asked him to be negotiator.

§3. Now it is held in a month's sequestration, then oath on hindrance will not prevail for him, unless he is outside the land. Then he shall swear by two witnesses, that the negotiator and seller is outside of the land and jurisdiction. He shall not then bring it any further than to the boundary line. It may now be left for a five nights' sequestration or fifteen nights' sequestration, and if he afterwards gives up and will not force his bondsman, then he need not bring it to the boundary line. Now if they should come thither, who wish to offer an oath, that it was home-born, and if the others come ^{not} against him, then he who recognizes it, shall prove it to be his, with two men and he himself the third, that it was stolen from him and that he did not sell it. Whenever right of possession is not obtained, when it is referred back to the third man, then he shall go to his own, who lost it, as is now said. Is not the seller within land and county, then the buyer shall be cleared at the boundary line with negotiator and witness, that he is not a thief, that he bought it and never was a thief.

§4. Now the negotiator has right to prove, that "when you traded with each other, then I was negotiator at another sale and not at this." The county jury shall prove, which of them swore most truthfully. Now the negotiator acknowledges that he performed the sale, and refers it back to him that sold it. He will not acknowledge that he sold it, then it is the right of the negotiator to prove, that he was negotiator at the sale. Now he ~~that~~ is negotiator does not want to own up to it; then he has right to prove, who has bought it; prove that "you were negotiator at this sale when I bought." Now the negotiator cannot free himself by simply denying that he was negotiator.

§5. Now if negotiator shall pay out the value and they do not agree. then shall the negotiator have right to prove with an oath of fourteen men, that the full value is paid back for what he sold him as negotiator, The negotiator may be partial and say, that the value is greater than it is. Then he who has to pay and who asked him to be negotiator, shall prove with an oath of fourteen men that "I did not ask you to negotiate for more than is now paid;" always pay animal for animal or money.

§6. Now one of them sits still and does not notify the negotiator, so that he may have the one who sold come to the last fifteen nights' fnt.

Then he has forfeited the value by his sitting, or prove ^{it} with an oath of fourteen men, that he notified him in time, that he might have him come in proper time to the fent.

§7. Now the seller admits that he sold it, then he shall defend his right to whom he sold it. Is it living cattle, then he shall prove that he owned it and raised it at home, and it sucked the mother's milk and udder, and never did I sell it before I sold it to this man.

VII.

ABOUT CUT CLOTH AND SWORDS AND HOUSE, TITLE TO THEM SHALL BE
PROVEN BY OATH.

...

Now if it is cloth, then he shall prove, that he did fashion and cut it and that he owned the new and the unused. Now it is sword, then he shall prove, that he had it polished and put it in a sheath, and that he owned it new and unused. Now if it is houses, then he shall prove that he let the trees be cut from stumps and had them built. All this he shall prove his title to by oath, just as in the case of a home-born, and "I did never sell it in a lawful manner before I sold it to this man." Now if he fails in taking the oath, then he, who brought the complaint, shall take possession of it, and prove with a sworn oath, that "this was stolen from me."

§1. Now complaint is made against a man, about that which he has bought, and it is not bought with negotiator and witness. If the same one that sold, brings complaint, then shall the other defend himself with an oath of fourteen men, that he obtained it of him by his will and full payment. If another one complains than the one who sold, and it is referred back ~~fr~~ to him from whom he obtained it, and he is unwilling to admit that he sold it, swear a fourteenth oath against him that he obtained it from him.

§2. A man shall not give his home-born in sequestration, he shall take an oath as is provided, an oath without promise on his porch steps.

§3. Now the seller or negotiator is abroad, then he shall place it in lawful sequestration; that is fifteen nights. If he then does not come home, then he shall sequester it for a month. If he still does not come home, then he shall go there with an oath of two men and prove, that his negotiator or seller is abroad or on the sea, then he shall sequester it for half a year. If he does not come at that time, then he shall reckon from the first day complaint was made, all fents included. Then he shall sequester it for a year. If he still does not come, then he shall take

possession of it who has lost it, with an oath of two men and he himself the third," that I have rightly recognized it and this is mine, and unfortunately it went away from home." Then shall each buyer go to his negotiator and each negotiator to his seller with a sworn oath, that it was recovered after lawful fents and "therefore I have right to obtain its value;" always however many sales ~~with~~ has passed through, each shall ~~xxx~~ take its value.

§4. Regarding cases of sales, when many sales are made, then shall each buyer bring it to his negotiator, and the negotiator to the seller. If it has passed through three sales; then it shall be referred back to the third sale. There shall he that complains, recover his own. He shall not refer it back any further, unless he who wants to defend it as home-born is in the kingdom. Then shall each one receive its value with a sworn oath, as was before declared.

§5. Two claim one sale. Both claim to have bought with negotiator and witness; then they shall notify their warranter; he shall have power to give title to whomsoever he wishes with the oath of two men of those that knew, and a twelfth after that I sold it to you and never to him. Then shall he keep it who gets the title.

VIII.

ABOUT STREET-SALES, AND THAT FREEHOLDER'S SON HAS NO RIGHT TO
BUY MORE THAN FOR EIGHT PIECES OF MONEY, AND NEITHER
HIS WIFE.

...

Now one buys on the street without witness, that is called street-sale. Now complaint is made against the man that received it and it does not concern him that sold it to him. Then prove it by an oath of two men, that he bought it on the street, and prove that he is no thief. He has forfeited its value and he takes possession of it with a sworn oath, who has accidentally lost it.

§1. A freeholder's wife cannot buy for more than eight pieces of money. Freeholder's son has not divided with his father, then son has no more right to buy than his slave.

IX.

IF A MAN BUYS FROM HIM THAT HAS NO RIGHT TO SELL, OR MEN
EXCHANGE GIFTS.

...

Now one buys from him who has no right to sell, their sale shall go back and pay a six ore's fine, if the sale is worth less than six marks. Is the sale that is made between them worth a mark, then pay three marks' fine.

§1. Men exchange gifts, or one gives another personal property. If he who gave it complains, then prove with a fourteen-men-oath, that he gave and I rewarded. If another complains, then depend upon his title, who gave it. Is he unwilling to admit that he is the one who gave, then prove by a fourteen-men-oath, that he gave it to him; he could give, although no negotiator was present.

X.

ABOUT BROTHERS. WHO LIVE IN THE SAME HOUSE.

...

Now brothers live in the same house, then the oldest has right to sell and no one else, unless their land is to be sold, then shall all agree to the contract.

XI.

ABOUT THOSE WHO TRADE AND ARE NOT CAPABLE TO DO IT.

...

Now such trade who are not capable of trading; the right owner brings complaint, then each one takes back his own again and both are guiltless.

XII.

IF STEWARD LIVES IN A MAN'S HOUSE, HE CANNOT PERFORM A SALE,
NEITHER HIS SLAVE.

...

A steward lives in a man's house and he is his slave of whose property he shall have charge. He (the owner) shall perform the sale and not the slave.

XIII.

IF A MAN MAKES A SALE BY NEGOTIATOR AND WITNESS, IT IS CLAIMED
TO HAVE BEEN ROBBED, OR HE OBTAINS NO TITLE.

...

One makes a purchase with negotiator and witness, Now complaint is made against him that it has been robbed. A robbery shall not be referred back to the seller. Now he cannot obtain title and can not refer it back to the third man. If the complainant proves with an oath, that it was robbed from him, then the buyer shall go to the negotiator with a sworn oath, that it was recovered from me for robbery and therefor I am here to obtain its value." Then the negotiator shall go to the seller.

IX.

(1)

CODE ON COURT AND COURT-PROCEEDINGS.

.....

HERE BEGINS THE CODE ON COURT AND COURT-PROCEEDINGS, IN WHICH
THERE ARE TWENTY-SIX CHAPTERS.

.....

I.

The king wishes to hold his court. Then a county jury shall be appointed, and both the contending parties shall be present and accept those that shall be named as jurors. True men shall then be named as jurors, neither men having disputes, nor any partial men or their relations.

§1. Now if any one sits till and does not come to the king's court, pay a fine of three marks therefor or prove his lawful hindrance. These are his lawful hindrances. He himself is sick, or takes care of sick, or he seeks lost cattle, ⁽²⁾ then prove that with an oath of fourteen men, that he had lawful hindrance.

§2. Now men are appointed on the jury and will not serve on it, they are liable to three marks.

II.

ABOUT SUCH CASES AS SHALL BE SETTLED BY THE KING'S JURY.

...

These cases shall be settled by the king's court: all oaths, all conflicting oaths, or unlawful oaths, knife-wound, breaking the king's judgment, or disputes about land, in all cases of capital offense, and every forty marks' case, all murder and robbery cases and unlawful juries, likewise if three bring a case of theft against one.

(1) Ræfsta balkær, code on court and court-proceedings. Ræfst, does not only mean investigation and judgment, but also the act of paying the fine to which one has been judged liable in the king's court.

(2) Aella ær~~a~~fiati fear sins, or is on the footprints of his cattle, i.e., seeks cattle that have gone astray.

ABOUT WHO SHALL APPOINT A QUARTER-JURY, AND WHAT CASES SHALL
COME BEFORE IT, ABOUT PAWN, AND HOW FINE SHALL BE DIVIDED.

...

The king's prosecutor wishes to meet the quarter-jury, then shall the quarter-judge appoint the jury. Freeholder does not come to the thing, then pay three öre's fine. The whole fourth sits still, pay three marks' fine.

§1. These cases shall be settled by the quarter-jury: every three marks' case, lawfully sued and lawfully called to a lawful prosecution, if they are not disputes about land and no Lionga-thing is called; if that (a three marks' case) has been called before, then it comes not before the quarter-jury. Now if Lionga-thing has not been called, then shall the jury convict the plaintiff, because of persecution by prosecution. and the other because he has not offered, proper fine, and neither has any right to defend himself, neither he who is prosecuting nor he who is prosecuted. If they offer an oath in the case, that is unlawful. Now they disagree; one says that the lawful prosecution is completed, the other says no; then shall the quarter-jury find out the truth in the case. Is the prosecution completed, then shall they convict one of them. Is it not completed, then they have no right to take up the case.

§2. Now it was thus formerly, that if one was lawfully convicted, then pawn could be taken for his fines; likewise also for debt. Then he who took the pawn, should not take it within the yard and gate-post. If he did, then he forfeited the fines and his three marks. Then this was abrogated in King Knut's days, that pawn should be taken, and whoever took it, he had lost the case and his three marks. For whatever he takes, whether it be for debt or for fines; should he be killed or receive an injury, who takes the pawn, be without rights. If he causes any injury, he is liable to double fine, thus the laws are now. Then it was also provided, that if a man is lawfully convicted for a smaller crime than carrying away by force; then it should await the king's court. Court shall be held every three years. Whoever is then convicted, and is unwilling to pay fine, then things-men shall be appointed to go to his home, and they shall determine his fine first to the plaintiff. Then shall they divide, who took part in the thing, but not the king, unless he himself took part in it. Afterwards it was thus decreed, that the king takes, whether

(3) That is a jury of a fourth of a county.

he is present or not. Birger Jarl declared in this way, that when the case is lawfully investigated, then shall a day be appointed, if they wish to pay fine. Are they unwilling to pay fine, then shall the jury that convicted, go home to them and set aside the children's portion and also the wife's portion, and of his lot set aside so much as he should pay. Now he defends the possessions and causes injury to some one, whether it be in the house or outside of the house; then pay double fine. If he gets any injury; no fine. Now if the jury-men will not exact fine for him, then pay three marks, if they have no hindrance. If it is in Götaland, then the fine shall first be divided in three parts. Afterwards the king and his prosecutor takes one portion, the bishop and his prosecutor the second, and the third portion is divided in three parts: one part to the plaintiff the second to the law-man, the third to the county-chief. Now in Smaland the fine is divided in three parts: one part to the plaintiff, the second to the king, the third to the county. And that lot the king does not take on his own account. Now he shall not take for any other case than that which is decided at the king's court. If he takes fine for another case, then pay fine as is decreed in the code on robbery.

IV.

OF HOW A FENCE- AND BRIDGE-JURY SHALL BE CONSTITUTED.

Now a fence-jury shall be appointed for such a village, in which some neighbor brings complaint against another, that his grain has been injured, and for such a village that has part in the fence with them, and not for more villages. A bridge-jury shall be appointed at a quarter-thing⁽⁴⁾. Now the county judge desires to inspect the bridges. That shall take place between Pentecost and Olaf's Mass. Then he shall have twelve men from the quarter. They shall accept the bridges that are considered good, and condemn the bridges that are unsafe, and each one pay fine for his bridge as the law declares. Then shall the jury state how much of the bridge was rejected, whether it convicted the whole village or each freeholder that had not built. In the same manner shall also the fence-jury state how high it valued the part of the fence which it rejected.

#1. Now a jury condemns a fence or a bridge and mentions the men, whom they assessed the value against; then shall no oath be taken against the jury.

(4) Fiarþung-thing, i.e., a thing held in a quarter of a county; therefore called quarter-thing.

Now if he thinks, that he is in the right, then he shall place as much money in security, as he has been assessed until the king or law-man decides the case, as he is convicted of. If it appears to be true, that they are not guilty, then shall the king or law-man declare them free and the jury pay fine, that judged them unjustly. Are they guilty, pay fine, and take no oath against the jury. Now if the jury decides thus, that whoever owns the fence or bridge and to whom it belongs by lawful division; him they convicted and mentioned no one else, then he shall deny, that it is not his duty to build that bridge or fence; swear that oath carefully, however, that the jury does not break it again.

V.

OF HOW AN OATH SHALL BE CONFIRMED IN CRIMINAL CASE, OR IN A CASE OF DEBT, THEN THE FORMER IS DIFFERENT FROM THE LATTER.

Now one offers an oath for a full forty marks' fine; that is a three-twelfth-oath, half named and half unnamed. Now one offers an oath in six marks' case, or a six öre's case, or a three öre's case; that is a twelfth-oath.

1. Now if one offers a twelfth-oath for a three öre's or a six öre's case and the oath fails, then pay a three marks' fine, unless it is for debt, if the twelfth-oath fails for him, who has promised it for debt, then he fails to clear himself of the debt and no more. Now a criminal case is one thing and debt is another; one denies before the king or plaintiff or county and is convicted of the oath; then the case is lost and three marks besides. Now the twelve-men-oath in the bishop's jury fails in a case about personal security, or for those oaths that one cannot free himself from; then they become liable in the same manner as the principal in the case, and pay six marks' fine for the oath; and also each witness, that stood in the oath, six marks.

2. If less is demanded in a case of debt, that an örtug, clear himself by his own oath; is less demanded than an öre's, that is his own oath and another with him. Now if less is demanded than half an örtug, that is also his own oath and another one with him. Now four and one-half örtug is demanded, then there begins first an oath of twelve men. He fails of the oath unsworn, then pay the debt and no more. He takes the oath and fails afterwards, then pay a three marks' fine to the bishop for perjury. He fails for unlawfulness, pay fine to the king, and plaintiff, and county, three marks.

VI.

IF A MAN PROMISES AN OATH AND HOW BONDSMEN SHALL BE CHOSEN;
 ABOUT HOW MEN IN A TWO TWELFTH- OR THREE TWELFTH-OATH OR HOW
 FORE-OATH-MEN IN A FOURTEEN-MEN-OATH SHALL BE CHOSEN.

...

Now one promises an oath to another; then shall he that promises the oath choose a bondsman. He shall appoint three for choice, those that are in the county and are resident men, and the other who brings the case shall then take one of them such as he desires. Now for a three twelfth-oath there shall be three bondsmen; for a two twelfth-oath, there shall be two bondsmen and for a twelve- or fourteen- or fifteen-men oath, there shall be one bondsman.

* 1. Now one promises a three twelfth-oath or a two twelfth-oath or whatever oath he promises, then the bondsmen may die before notice was given; then shall the bondsman's heir perform the same duties that the former should have performed.

* 2. Now in all cases where a two twelfth- or three twelfth-oath, is required then shall always half be named and half unnamed. In every fourteen-men-oath, there shall be two named, those who shall bear witness.

VII.

OF HOW LAWFUL NOTICE SHALL BE GIVEN ABOUT TAKING AN OATH.

...

Now one desires to give notice of a three twelfth- or two twelfth-oath. As soon as one bondsman is notified, then all are notified. When one gives notice of an oath, then he shall have two men with him, and go to the home of the bondsman. Now he runs away, and does not wish to do right; if he stands on his lot and pursues him by calling, he looks back at the same time, then is a lawful notice given. Now they disagree. He that gave notice, says, that he gave him such notice, that he knew it. Now the other denies it, then it is the bondsman's duty to prove, that he knew not, that he was notified of the oath. If he fails of the oath, pay a three marks' fine for failure to fulfill bondsmen's duty. The bondsman shall then take with him two men, go to the home of him that promised the oath, and give notice about femt. If he himself is not at home, who shall bring the oath, then give notice to his wife or his servant. If he comes home three nights before the femt, then shall the oath be taken. They that dispute shall come to the femt at the middle of the day (half past one).

VIII.

IF THE DEFENDANT AND THE BONDSMEN COME TO THE FEMT, AND IF HE DOES NOT COME THAT SHALL RECEIVE THE OATH OR HIS HINDRANCE; AND IF A MAN IS ROBBED OF HIS BOOK OR THE BONDSMAN TAKES AN OATH, WHICH LEADS TO A WRONG OATH BEING TAKEN.

...

Now the bondsmen and the defendant come to the femt. The bondsman presents the oath and is ready to verify it, and he is there that shall bring the oath, but he does not come that shall receive it. If his hindrance is presented, then the oath is entitled to a second notice. If neither the plaintiff comes nor his hindrance is announced then he has never right to receive that oath; he who should bring the oath shall then certify by an oath of men, who were present; two such that knew, and were at the meeting, "that all the right which was promised to you, was there present, and you yourself caused that you did not receive it". Now they all come to the meeting, he that complained, the bondsmen and the defendant. They disagree about the oath. Then this is the right of the bondsman namely to prove, how he became bondsman and how many men's oath he was bondsman of. If they do not agree, then shall the bondsman establish by oath that this I was bondsman of the oath. Now he reads the oath to the man and he goes away afterwards and does not want to receive it. Then shall the bondsman establish it the oath; afterwards shall the men, who are present repeat the oath and it is considered lawful.

1. Now one robs the book from either of them, from him who shall receive the oath, or from him that shall bring it; that is a three marks' case or a twelfth-oath that he did not rob the book from him. Is he able to deny, that he robbed the book from him, then the oath of the other one falls.

2. Now the bondsman swears the oath wrongly to the detriment either of him who shall receive the oath, or of him that shall bring it. If either of them brings complaint against him, then prove by oath of two men and twelve after, that he presented his case as bondsman in such a manner, as he was bondsman of that oath. If he fails of the oath, pay a fine of three marks. If he confounds it for him that shall bring the oath and he does not therefore take his oath; is then the bondsman able to bring a fourteen-men-oath that he did bring it forth as is custom and lawful, then that oath is void. Now the bondsman is not able to take the oath, then pay fine as is decreed, that is three marks, and that oath is entitled to a second notice. Now the bondsman confounds the case for him that shall receive the

oath and the other takes the oath as it stated to him that it should be, is the bondsman able to take his oath, then they both stand, is he not able to take the oath, then the other goes back because it is against the law. Now the bondsman shall not swear in the oath; if he swears in the oath, then he does it unlawfully.

3. Now the bondsman and the defendant and he that brings the case, come to the meeting. Is he not able to take the oath, then he is convicted by law.

IX.

OF HOW LONG OATH ON LAWFUL HINDRANCE WILL AVAIL, AND THAT OATH IN CASES OF THEFT SHALL BE TAKEN AT THE FIRST NOTIFICATION.

....

Now he has hindrance who shall take an oath; then this is his lawful hindrance, if he himself is sick or tends to sick or is looking for lost cattle; then shall he have his hindrance presented and sworn to. Now the other brings complaint because he neglected to take the oath; then he shall prove by the oath of two men, those that reported his hindrance, and a twelfth after, that he had lawful hindrance. Is he able to take the oath. then the former oath is entitled to a second notice. Is he not able to take the oath, then his oath is void. Now those two, who then swore, they shall fast, and pay fine to king, county, bishop, and plaintiff; oath on hindrance shall always be taken before the principal oath. Formerly it was thus, that he should present his hindrance and not swear; now it seems to all to be right, that he shall swear and not only present his excuse. As it is now established in this case, that he shall swear and not only present his excuse, thus it shall be in every case, where he should formerly only now present; now he shall swear and not only present his excuse.

1. Now oath on hindrance will avail twice. At the third notice then he shall take the oath or it is called void. Oath on theft shall be taken at the first notification, and he has no right to more hindrance than these. These are his hindrances: he himself is sick or did not know, that notice was given him; or he does not wish to receive the oath to whom it was promised and bonded.

X.

IF A MAN FREES HIMSELF FROM AN OATH, WHICH HE MAY FREE HIMSELF
FROM.

...

Now a man frees himself from an oath which he may free himself from, with seven öre, he is guiltless; but if it is an örtug more than seven öre, then he shall pay to both people and king. Now the king's prosecutor brings accusation and says, that he has paid fine to the plaintiff and demands fine for himself, then deny with a twelfth-oath that he has not settled or paid fine to the plaintiff in such a manner that he is liable before the king.

XI.

OF THOSE MEN THAT SHOULD STAND IN THE OATH, AND HOW ALL OATHS
SHALL LAWFULLY BE TAKEN, BOTH HIGHER AND LOWER.

Now an outlaw shall not stand in the oath, and no slave nor a foreigner, unless he is living within land and jurisdiction and has lived there a year. Now a person, who stands under the ban, shall not take an oath, unless he receives permission from his provost.

1. A man shall not take less than a lawful oath, that is to be thus understood, that should he take a twelfth-oath and takes less, or a fourteenth-oath and takes less; if one is to take such an oath, in which he shall have his relatives, and does not take men so related as is provided; if one is to take a fifteen-men/oath and does not have the negotiator present, who first shall swear, or should he present the contract and does not have him, who made the contract, and two of them that were present or their heirs and twelve after, or a sixteen-men-oath and offers less, or a three-twelfth-oath and offers less, or takes other men than those who were appointed; or a two twelfth-oath and offers less, or he takes it with others than those who were mentioned, or prove with less than thirteen bondsmen and thirteen twelfth's, that fines have been paid for a dead and murdered. Now if he takes more than the law demands and swears with more than he should, then shall his oath not be annulled as unlawful.

XII.

AN OATH SHALL NOT BE PRESENTED OTHERWISE THAN IT WAS PROMISED,
AND WOMAN AND MINOR SHALL TAKE NO OATH, AND WOMAN SHALL NOT BE
CITED TO THING.

...

Now an oath shall not be taken in any other way than it was promised.

and not on a holiday, and not on a fast-day, and not in Advent, and not in a nine weeks' fast, and not at night after the sun has set.

1. Now a woman shall not take or receive an oath, nor a minor, because they shall have a guardian who shall answer for them and bring accusation. He that is next on the father's side shall do it, unless he is in dispute with them, then shall he who is next on the mother's side answer for them.

2. A woman shall not be cited to a thing. In case of a suit, her guardian shall be sued, if he is within land and jurisdiction. Is he not thus, then suit shall be brought against others of her relations within land and jurisdiction. Is she a foreigner and has no relatives within land and jurisdiction, then she shall be sued and shall be requested to procure a guardian. He shall either deny for her, or answer for her, and pay fine.

XIII.

AN OATH SHALL NOT BE TAKEN IN THE PRESENCE OF ANOTHER THAN THE ONE WHO HAS RIGHT TO RECEIVE IT, AND FATHER FOR THE DEED OF HIS SON, AND BROTHER FOR THE DEED OF HIS BROTHER.

....

Now one takes an oath in the presence of another than the one who has right to receive it, then it is unlawful. Now a father shall not take an oath for his son's deed, unless he is a minor; nor a son for his father's deed, unless he is deaf or broken by age so that he is unable to do anything. Now a brother shall not take an oath for his brother's deed, unless he is a minor.

XIV.

OF HOW A DELEGATE SHALL BE APPOINTED, OR HOW HE MAY LAWFULLY SUE, OR CARRY ON THE CASE.

...

Now no one may receive an oath for what has been done to another, but each one for himself, except those that have a delegate, because then is the oath unlawful. Now all those who have right to have delegate, then whatever he does for him or his lawful servant, is valid, or he has a vice prosecutor at the thing appointed for the purpose, to whomsoever the oath was promised, or whoever he sends to thing then he may receive it. Except in this manner no one else shall receive it than the one to whom it was promised and secured. Now freeholders, take notice of this, if the case he brings is in the interest of such a man, that may

have a delegate, then the oaths may be taken as is now said. Now it is the delegate's own case; then he cannot take oath for any other than for himself.

1. Now one is a foreigner or lives far away, so that he is not able to prosecute the case himself; or is sick and is not able to go to the thing, or he is weakminded and cannot; then he may have a delegate under these circumstances; he himself shall call the first thing; at the thing tell his hindrance and place the case in the hands of others. Then he (the delegate) may sue and accept either legal satisfaction or fine. Is it a dispute about land, then he himself shall be present at the third fent and he himself shall defend or give it back. Is it anything else than about land dispute, then shall the delegate sue for all of it. When the oaths shall be taken in the case, then he himself shall be present if he can; if he can not, then it is considered lawful in the presence of the delegate. The delegate shall not take another in his place; neither may he himself call a thing. Now all the oaths that are taken in any other way than is now said, they are unlawful, and those that swore in them shall pay fine because it was unlawful.

XV.

HOW ONE LOSES HIS RIGHT IF HE HIMSELF READS THE OATH FROM
BEGINNING TO END.

Now he himself receives the oath and reads it from beginning to end, then he forfeits his right to fine from all, except the foreman and the two, who swore in the fore-oath of a fourteen-men-oath. The rest that swore in the oath, they pay fine to the king, and county, and not to plaintiff. Now they differ: the other says that he read to the end, and he says no; then prove by a fourteen-men-oath; the two that were at the meeting, and a twelve after, that he did not read that oath to the end, and take his right as a plaintiff. Now it is referred to the king's court; then the county jury shall prove what truth there is in the case.

XVI.

HOW A JURY IS DECLARED UNLAWFUL, AND HOW A CONFIRMING OATH
SHALL BE TAKEN.

Now a jury is declared unlawful. There all, who swore in it, shall pay fine to the plaintiff.

1. Now one says that the oath is not unlawful, sues and brings accusation; then it is his duty, who is the defendant, to prove by a con-

firming oath of fourteen men. No one shall stand in the confirming oath that stood in the former oath, if it was less than a two twelfth-oath. If it was two twelfth-oath, then he shall confirm it with two fourteen-men-oaths. One shall confirm oath with oath and not two with one. If he fails of the confirming oath, fails before it is taken, or fails afterwards at the king's court, or at the bishop's investigation, then they shall pay fine for unlawful act, who swore before in the oath. Now one does not sue, but brings the unlawful oath before the king's court, then shall the county jury find out what truth there is in the case, and it is no longer his duty to defend himself with a confirming oath, because the bishop's jury shall in every case find out the truth, and the county jury the law-formalities.

XVII.

ABOUT SUCH OATHS THAT ONE SHALL NOT BE EXCUSED FROM, AND HOW
ONE FORFEITS HIS RIGHTS.

In those cases there is no excuse from oaths and not from their
(5) supporting oaths and not from their strengthening oaths; they are: dis- (6)
putes about land, cases concerning personal security, cases about theft.
cases about robbery, breaking the king's decision, cases about witch-
craft, a three-twelfth-oath. Whoever excuses anyone from these oaths;
then he has forfeited his part of the fines and those who swore in the
oath, they shall guard his right, who did no excuse from the oath.

XVIII.

IF ONE BRINGS SUIT AGAINST A MAN AT THE THING, AND CHANGES HIS
MIND AND BRINGS SUIT IN ANOTHER CASE.

Now one may bring a case against another at an appointed thing.
He calls two things and sits in two fests, then he change his mind and
calls him to the thing for another case. That he must not do. If he
does it before the other case is settled, which he called first, then
pay a three marks' fine for such thing.

(5) Upprættæ r eþer, uprætu eþer. Perhaps such an oath, by which
anyone affirms, that he in a case, in which accusation was brought a-
gainst him, has made satisfaction at Lionga-thing.

(6) Gøþlsu eþer, an oath, whereby the lawfulness of a previous oath is
affirmed or strengthened.

IF ONE BRINGS ACCUSATION AGAINST SEVERAL IN ONE CASE; THEN
ONE OF THE ACCUSED MAY NOT DEFEND THE OTHER.

...

Now one brings accusation against several in one case, then one of the accused shall not defend another one of the accused, before he has defended himself with lawful oaths or lawful fines; then he may defend another and stand as witness.

XX.

HOW A MAN BRINGS A CASE AGAINST A DEAD.

...

Now one brings a case against a dead; then he shall prove with a fourteen-men-oath, that he notified him at his house with an appointed thing, while he was living and well. Is he able to take the oath, then shall his heir pay fine, or deny in the same case. If he is not able to take the oath, then the heir shall neither deny, nor pay fine for the dead.

XXI.

HOW FREEHOLDER SHALL SUE A FREEHOLDER, OR HOW MANY HE OR A
PROSECUTOR MAY SUE IN A DAY.

...

Now a freeholder brings a case against a freeholder. He shall go to his house on a Monday, and two men with him, and sue him, and he shall summon him to thing after the sun has arisen and before it sets; then his summon to thing is valid. Now if he has not done this, then his summon to thing is not valid.

§1. Now he shall not summon to thing more than one in a day. If it is a king's prosecutor, or bishop's prosecutor, then may each one sue three men in a day and no more. The same two men he shall have which he had with him when he sued, and bring complaint at the thing. If he himself does not sue more than three men a day, then shall he that is judge, order a fent for these three men. If he has sued more than three, then pay fine therefore; three marks, and they shall be divided into three parts, or deny with an oath of twelve men, that he did sue more.

XXII.

IF A MAN PURSUES ANOTHER WITH PERSECUTION OR THE JUDGE MAY
BE PARTIAL AND WILL NOT APPOINT A FENT, WHICH HE SHOULD.

...

Now both come to the thing, he that sued and he that was sued; then shall the judge find out, if the other speaks lawfully to him according to what is right. If he brings accusation against him in what the law calls a proper law-case; the accused one steps forward and offers to do right for himself and offers fine, and the other will not accept it, then he is unlawfully prosecuted; the other one shall then pay a three marks' fine for each thing; then he shall not appoint a fent for him. He sits in a fent and no one ordered him a fent, then he is liable to three marks.

§1. Now the judge may be partial and will not order a fent for that case for which he should order one; then he is liable to three marks; one mark to the plaintiff, one mark to the king, one mark to the county.

XXIII.

IF FINE IS NOT LAWFULLY OFFERED, OR IF IT IS REFUSED, THEN IT
IS FOUND IN THIS CASE.

...

Now he does not offer to do him right, then he shall order a fent to his home. If he then is willing to do right, then shall not he be guilty, who does right at the fent. Now no response is given him at the thing or

fent, on his behalf who was sued; then he brings complaint, that he did not do right to him. He shall then deny and say that he did not know that a thing was called, or "I got notice about the oath before you called the thing," or that "I myself was sick," or watched over dead, or was seeking his lost cattle. These are his lawful hindrances. Is he not able to take

the oath, then pay a fine of three marks, or prove with a fourteen-men-oath, that all those rights, which had been adjudged him, were offered to him at the fent and he himself was the cause of that he did not accept it. Now he offers to do right, and the other is unwilling to accept it, but sues and brings accusation against him at three things and three fents. He is liable to three marks for each thing.

§1. If he then is unwilling to do right at the first thing, or at the first fent, then he shall call another thing and appoint another fent. If he then does not do right to him, then he is liable to six marks. He shall then call a third thing and appoint a third fent. Is he then willing to

do right, offers to abide by the law of the land, then he shall not be liable to fine before the lawful prosecutor. If the other one brings complaint against him, why he did not do him right on the first thing and first fent, or on the second thing and second fent, then it is his right to prove with a fourteen-men-oath, the two that were there at the fent, that he offered to do right on the first thing and first fent, and twelve after; then the other two that knew, that he offered to do right on the second thing and second fent. Now the quarter-jury meets, before he calls him to a Lionga-thing; then take care, that it does not convict him, who was prosecuted, if he did the right thing on the third fent. Now if he that sued does not want to accept what is right, then he may be convicted because of unlawful prosecution. Now if he that was sued does not want to do what is right, then he may be convicted for not offering lawful fine.

XXIV.

IF ONE SUES A MAN AND HE IS NOT AT HOME, AND DOES NOT COME HOME FOR THE FENT; THAT IS NOT VALID, EXCEPT FOR MURDER OR IN A CASE OF PERSONAL SECURITY.

...

Now one summons a man to a thing who is not home himself and does not come home before the fent; then shall such summon not be valid, unless it be for murder or cases of personal security, which he prosecutes for himself, or disputes about land. If it is thus, that he finds him home at the first thing and he flees afterwards, before a lawful prosecution, then he shall prosecute all his cases in the same place, in which he first called them, even though the other has two dwelling places and he goes from one such dwelling place to another.

XXV.

A LIONGA-THING MUST NOT BE CALLED TO SETTLE DISPUTE ABOUT LAND.

...

A general thing shall not be called to settle dispute about land.

XXVI.

HOW A LIONGA-THING SHALL BE CALLED AFTER THREE COUNTY OR QUARTER THINGS, AND HOW TESTIMONY SHALL BE BROUGHT THERE IN THE HIGHEST AND LOWEST CASES; HOW ONE BECOMES AN OUTLAW, AND HOW HIS PROPERTY IS DIVIDED.

...

Now a quarter jury does not convene, and a freeholder desires to call a Lionga-thing; then he shall have two men with him, when he comes to the Lionga-thing. He shall then let two men swear, that he has rightly called a Lionga-thing, after three lower things had been properly called. Then they shall wait until he comes, who shall answer. If he comes, then right shall first be agreed upon in the principal case, either determine lawful fines or lawful oaths. Afterwards he shall prove by two men, that the same right that he then offered, was offered him on the first thing and first fent. Two others shall prove and be present, that the same right was offered him at the second thing and second fent; likewise at the third thing and third fent, then he shall bring a twelfth-oath after each witness and do what is right in the principal case with oaths or fines, before he brings the fifth witness; or a twelfth-oath after the fifth witness. If he takes it in any other way, then he does it unlawfully. Is the principal oath made void, then shall all those, that stood in the oath, that fine had been offered, pay fine. Now he brings complaint against him. He says that he did not do ^{the} right thing at the Lionga-thing. Then he shall prove at a Lionga-thing's fent, by a fourteen-men-oath, that he went away cleared by law with lawful oath and lawful judgment.

§1. Now he comes not to the Lionga-thing and does not want to do right. Then a Lionga-thing's fent shall be ordered to his home. Is he even then willing to do right in the principal case, and prove lawful hindrance, as was before decreed, then he is without blame. Is he yet unwilling to do right, and is it a forty marks' case, that he was sued for, then he shall be an outlaw over the whole land and his property be divided. If it is for a smaller case than a forty marks and does he not do right at a Lionga-thing's fent, then the case falls against him and twelve marks for the Lionga-thing. He shall then again begin and call three things and three fents. Will he not then do right, then the fourth a Lionga-thing shall be called; he shall then at the Lionga-thing, wait until the day is about to close. Is he then willing to come and do the right thing, then it shall not be witnessed against him. Now he is unwilling to come, or he comes and will not do the right thing, then he shall appear with the witnesses. Two shall swear, that he called the first thing and sat in the first fent, lawfully asking his right and did not get it; two others shall swear, that he called him to another thing and another fent, asking for

his right and did not get it. The third two shall prove, that he called a third thing and sat in a third fent, asking for his right and did not get it. Is he yet unwilling to do right, then a Lionga-thing's fent shall be appointed at his home. Is he willing to do right in the principal case and for each case, in which he has failed, then he shall keep his personal liberty and his property. Is he yet unwilling to do right, then he shall become an outlaw and his property be divided. Whoever has any communion with him afterwards, shall pay fine as has been established for an outlaw. Now he can never be depraved of his personal liberty in a forty marks' case before at the fourth thing, except in cases of murder, and never in less than a forty marks' case, before the eighth thing; and no matter how small a case is or how small a debt, that if he does not do right on the eighth thing, as is decreed, then he shall flee and his property be divided.

X.

LAND-CODE.

(1)

HERE BEGINS THE LAND-CODE, IN WHICH THERE ARE FIFTY-ONE CHAPTERS.

I.

ABOUT HOW A VILLAGE SHALL BE LAWFULLY LOCATED.

HERE BEGINS THE LAND-CODE.

Freeholders wish to build a village; then shall landmarks be put around the village, which they wish to build. Then shall all those be present, who own the land.

§1. Now one wishes to locate the village lawfully; then he shall not own less in the village than a sixth of a eighth. Now ⁽²⁾ if he has six-eighths or more, then he shall go there before Christmas and the holiday eve and notify the village of the lawful location, each in the home and all on the street. Then he shall give notice of the division and not call a meeting. Now all those divisions, that one wishes to have, either fishing places or waterfalls, fields or meadows, woods or lots, then he shall give notice of division before Christmas and the holiday eve. Now they differ. One says, that notice is not given for division before Christmas and the holiday eve; then he, who desires to prove that lawful notice was given, has right to prove with a fourteen-men-oath, that he gave lawful notice of division at the last fest.

(3)

§2. Now he shall set the case during fine weather, that is Monday after Monday of a law-thing, the one that is next after Pentecost; because no one shall bring another from his home during winter or in spring time, when he shall seed. Afterwards he shall call all three things before the harvest; because they shall sow their spring-seed in the old division and have fallow field in the new division. Now if one brings complaint against

(1) Bygd means a settled community.

(2) In Skåne a farm or land was divided in eighths. A village was also divided in eighths, but if the eighths were parts of a certain whole is not certain.

(3) i uapær daghum, i.e., that part of the year, when fine weather could be expected.

(4) Lagþings manadagher, one of the four Mondays in the year when thing was held.

another, why he used the land of the old division, which he received in the new division. Then he shall prove with an oath of fourteen men, that he used it by permission and consent of all the land-owners.

§3. Wherever one wishes to divide land, then like shall be given for like, that is, clearing for a clearing; manured land for manured land, fallow field for fallow field, ditched land for ditched land, or take three crops, he that has built better than the other. Now they differ; then he has right to prove with an oath of fourteen men, that he has thus improved and built, that he is worth an equalization with him. Is he able to take the oath, then there shall be an equalizing division. He fails of the oath, then he loses the equal division. They divide the land, and the other shall have it as long as is now said. All these oaths shall be taken without promise and without security at the third fent.

§4. Now when a village is lawfully located by proper division, then shall the border-men have right to prove with an oath of fourteen men, where they wish to place the principal landmark. Then they shall first decide by oath the North and East, South and West, North and West. Then border lines shall be established according to these marks. They shall then swear, if the village was before in lawful location, that "these landmarks are determined by oath, by will and sanction of all landowners." Now if the village was not before in lawful location; then they shall thus swear, that "these landmarks are agreed upon by the will of all landowners." Now if the border-men are unwilling to swear at the last fent; then the lawful prosecution goes against them and not against others in the village; because they could not give out theirs, before the outermost landowners have located their landmarks. Now if one or two wish to swear and offer themselves to prove by measurements that the landmarks are rightly established, and the others that shall begin are not willing. (Now they disagree; some wish to divide in squares and others wish to divide in straight rows, whatever the majority wants, then it shall be as the majority desires.) Then they shall have right to present the men who are ready to take the oath, show their willingness to take it, and be guiltless. And then they need not be called defendants, but he shall pay fine for lawful prosecution, who did not want to swear or be invited to establish landmarks. Now if he swears, who should begin, then shall they pay fine for the lawful prose-

(5) A piece of land, equally improved, should be given for a piece in the same condition.

(6) till reps, that is a rope used in measuring the land that was to be divided.

cution, who should swear afterwards, if they do not swear. Now if the border-men swear and establish the landmarks, and the landowners are not willing to give up their land, then the lawful prosecution goes against them.

§5. Now if renters are in that village, which is to be lawfully located, then renter has no right to divide the land. Those that wish to divide, they shall notify the renter, and the renter, the landowner. If renter does not notify the landowner, at thing or fent, then he pays fine for the prosecution. Renter informs him, then landowner pays fine. If they disagree, then shall the county jury find out, what truth there is in it.

§6. Now the lines between them, that are not established by marks, located by oath, shall run the same way as those that are established by oath, so also at the ends along the streets. Now if they disagree; then shall the land^{mark}~~xxxxx~~ be moved in, one and one-half cubit, and not out, unless all agree to it, so that there is dripping room between the houses of the two freeholders, where they build by each other. Lies a village as it was built according to old custom and is lawfully located; then have it equalized and do not have it torn up. If they place a fence on the right boundary, then shall each one fence according to his part in the village. He nearer to the sun, who owns property nearest to it, and he farthest from the sun, whose property is further off, and the landmarks shall not be moved, unless they shall agree.

II.

ABOUT HOW A STREET SHALL BE LAID THROUGH A VILLAGE.

...

Now a street is to be made through the middle of a village. It shall be fifteen cubits wide and every lot shall border on the street. If all the lots do not border on the street, then the village is not lawfully located; then shall half the village equalize with the other half, and eighth with eighth, make the equalization within the principal landmarks and not outside the principal landmarks, unless he is willing that receives it. He shall take at the back part and not at the front within the landmarks.

§1. Now a village is divided by a street that passes one way from one end to another. If all the lots border on it; then it is as lawfully established, as those that go through the middle of it. Then it was first so established by law, that men took a five cubits long pole and placed

two on an eighth. Now it is thus decreed, that they lay as many as they agree upon. If they do not agree, then it shall be as the majority decides. It may thus happen, that half wants one thing and half another. Then they have right to prove, with whom the county judge sides. And arrange field after lot and meadow after field; fence according to meadow, woods as well as fishing places; then everything lies according to the lot. Now they disagree, the lot and the outlying territory. If field or fence or meadow agrees with the lot, then the lot has right to arrange the outlying territory after itself. But if there is a total disagreement, then the lot shall be made to conform with the outlying territory, and not the outlying territory after the lot. Then the division is lawful.

III.

IF ONE BUYS WILD LAND WITH A LAWFUL CONTRACT.

...

Now one buys wild land with lawful contract and sale. He himself lives on it with fire and fireplace, he does not move on account of division or re-location of village; neighbours do not owe him any street. He shall make himself a highway of his own land and defend his wild land at the last fent, as the law says. Now they determine to divide a village lawfully, and the wild land lies in the way of the lawful survey and it will not yield the place. A ditch or fence is made around it and the owner has had it three years or longer than three years; then he has right to defend the wild land; afterwards he need not move because of lawful survey.

§1. Now one has bought wild land, placed stones or posts around it, calls them landmarks and not his lawfully acquired possessions, then he must move when required by lawful survey; take of that land from which the wild land was taken; and that land shall always be short afterwards that before was made short. Now one buys wild land in a ^wforest and he gets lawful title to it. The forest is surveyed, then shall always that be short that before was made short.

§2. Now less land than one-sixth of an eighth shall not be subject to lawful survey.

IV.

ABOUT A STRIP OF LAND BETWEEN TWO FARMS, AND IF ONE NEEDS PASTURE FOR HIS HORSE, AND HOW BRIDGES SHALL BE BUILT.

...

Now there shall be a strip of land between two villages, nine cubits

wide. A wagon shall have place to pass a wagon. The cattle-street and the
 (3)
 herd-street shall be three poles wide. Is a bridge on that road out of
 repair, pay three öre to them that have repaired their bridge. Now there
 shall be thing-roads and highways for people and king, ten cubits wide.
 One rides on such a road that leads through a man's meadow and he needs
 pasture for his horses; he shall have a five cubits' tether and a fathom's
 halter. Then shall the tether pole be fastened in the middle of the road
 and thus he may without guilt graze in their meadow.

§1. Now there is a bridge out of repair on the road, which the vil-
 lage shall tend to; be liable three marks therefor. Is the care of the
 bridge divided between the freeholders; then freeholder shall pay as well
 as village; whoever owns the land or the water under the bridge, he shall
 tend to the bridge. People or cattle fall off and die therefrom or are
 wounded - the bridge is in good condition - then lie without rights; is
 the bridge in bad condition, - then shall he pay half the value, who owned
 the bridge. If a man builds a bridge for his soul's salvation, then he
 need not tend to it any longer than he himself wants to; but they shall
 take care of it, who own the land under it, if it was built before (they
 got possession of the land;) was it not built before, then they need not
 tend to it, unless they take it under their care.

§2. An impassable place is found, which a county, or a quarter, or
 a sixth have undertaken to bridge; then shall not they pay fine for it,
 who own the land unde it. Now always where the land of a village meets
 in water, or another impassable place, then shall each one build so much
 of the bridge as he had part in the water or land.

V.

IF A COMMON TRACT OF LAND NEEDS BRIDGES OR HOW THE ROADS
 SHALL BE KEPT IN GOOD CONDITION.

...

Common land needs to be bridged, then shall the county tend to the
 bridge and open the road. Now that road passes over a common land, which
 the whole county shall bridge; and the bridge or road is in bad condition;
 the king rides on that road and he is hindered in his journey and his
 clothes are torn; then the county shall pay a fine of twelve marks for
 this; that is fine for insult to the king.

(7) horn-gata ok hiorð gata, horn-street and herd-street, i.e., streets or
 roads for the cattle and sheep.

(8) stang, a pole five cubits long.

§1. Now a road to mill or road to church shall be five cubits wide. A village is built for the first time, then it shall prepare a church-road the nearest way, build and bridge it. Now if it is lawfully laid out, then that road shall be depended on. Is the bridge on that road in bad condition, then pay a six öre's fine therefor.

§2. Now freeholder has no right to change a public- or a church-road, unless the county judges so desire, nor the church-road without their will, who shall travel on it. Now they ask the county judges to change a general road, then he shall order an inspection from that county. It appears to them, that another road is equally good and equally short, then he shall order them to open and build it. Now if they close up a public road in any other way, then pay therefor a fine of three marks. However many they are together; they shall not all pay more fine than three marks. Then if it is not more than one, then pay three marks' fine, unless they change it because of their field.

VI.

IF FREEHOLDERS WISH TO SURVEY A VILLAGE, AND HOW A STRIP OF LAND BETWEEN TWO FARMS SHALL BE, OR ONE CUTS TO PIECES A MEASURE POLE .

...

Now freeholders wish to survey their village; then shall the bordermen make known the landmarks and not take oath except about the lots. Afterwards all eighths shall be made equal. An eighth shall be a brother's eighth, if it has not been diminished by taking away or by sale of wild land; then all take equally both of good and bad, both in the field and meadow, and all equal part in the work, both in bridge and the brook, and thus in fence as in field and meadow, each one after his portion; each for his meadow and his field, if it is needed.

§1. Now the strip of land between two farms shall be a foot and four hands, an ell and a span.⁽⁹⁾ Then shall a measure pole be set in the line or border; now one rides on the road drunk and prating full, and cuts to pieces the measure pole; pay therefor an örtug. It stands between fourth of a village, pay therefor eight pieces of money. It stands between eighths pay therefor four pieces of money.

(9) A span is about six inches.

VII.

IF A FREEHOLDER DRAWS UP THE BOUNDARY LINE WRONGLY IN MEADOW
OR FIELD, HARVESTS OR CUTS (ANOTHERS FIELD).

...

Now a freeholder draws up the boundary line unjustly in anothers meadow or field; harvest or cuts; that is an oath of twelve men, that he was mistaken about the boundary and landmark, considered it to be his and not anothers. Thus it is for the second and also for the third. He fails of the oath, pay a fine of three marks.

§1. Now if he harvests or cuts the whole field, or two, or goes out over a field or two and harvest the grain of another, then an oath on accident does not satisfy, but pay fine for the damage as appraisers shall decide, and three marks besides, or prove permission by an oath, or deny with an oath of twelve men; and likewise of he harvests or cuts on the strip between the villages or three fields or more than three.

VIII.

IF MEN OWN FISHING CONTRIVANCES TOGETHER, AND HOW MILL-STREAMS
SHALL BE CONSTRUCTED.

...

Now men own fishing contrivances together, or mill-streams, then he has right to prove, in all cases, who wishes to build, and yet build his own in such a manner, that he destroys nothing for others. One shall not build a mill or dam of water in such a way that the field or meadow of other men is destroyed. Now he that lives above, shall build in such a manner, that he hinders either water or fishing for him, who lives below, nor he that lives below, in such a way, that he injures him, who lives above. Therefor each of them shall have power over the others dam-bars so that if he, who lives above, keeps away water from him, who lives below, then this one may open the other dam-board and let the water run to himself. If the mill is stopped or damaged by the water for those who live above, then they may open the dam-board below, and let the water run away. Now water or fishing shall not be turned ~~any~~^{from} another, if they have equal parts in it. If a man owns to the middle of the stream, then he shall not build more than to the middle of the stream without permission.

§1. Now if one buys wild land in the forest, or a meadow, and streams or fishing establishments lie below; then the wild land reaches no further than he has bought; they own the stream or fishery, who own the land, and

as much as he has bought with the wild land.

§2. Now if several waterfalls are together; and all wish to build; then one shall not build his own in such a way that another one's is injured; then they have right to prove, who have built without damage to another. Now if new works cause damage to the old, then shall the old works have preference to the new.

§3. Now several men own a place for a mill together. One desires to build and not all; then he has right to prove, who wishes to build. He shall go there and summon him to three things and appoint three fests and ask him to build with him. If he does not build with him in lawful fests, then he shall go to thing and receive permission from the things-men to build. Then he may build without guilt. Now he that did not wish to build brings suit afterwards against him that built, and says, that he built on his place; then he has right to prove with a fourteen-men-oath, that he did build by the permission ^{of the} ~~and~~ decision of the things-men, and afterwards he shall have the mill, until the other has paid him both for the cost and for the work.

§4. Now one considers a mill or fishing contrivance unlawfully built on his premises or his fishing place, then he shall go to the thing and bring complaint. The judges shall order an inspection. If it is built too far out, then they shall set a day when he himself may remove it. Is he then unwilling to remove it, then shall the king or law-man appoint men from the county, or the county judge shall go thither with the county-men and tear up his work. If he that brings complaint, goes there with one man or two, and tears down his work before he has given notice and received judgment; then pay the damage and three marks besides. Now if he gathers to himself a crowd and company and tears down his work, then the leader shall pay a forty marks' fine and the loss, and every one that was in the crowd and company, a three marks' fine.

IX.

ABOUT RENTER AND HOW LAND SHALL BE RENTED, ALSO OF SUCH CASES
AS BELONG TO IT.

...

Now freeholder wishes to rent a farm; then this is lawful gift: a six year old neat for each eighth; thus in the first gift, friend-gift as ⁽¹⁰⁾ land-gift, that is six ore. This is lawful rent: four barrels of barley

(10) bol-gaef, land-gift, that consisted in a six year old neat for every attung or eighth; vingaef, friend-gift, consisted of six ore.

or two öre's woolen cloth, two hands wide, one day's work in spring and another in fall. Now renter shall have at least three houses, garner, grainery, and barn.

§1. Now the landowner wishes to drive him away from the farm; then he shall go to him before Christmas and Christmas-eve, and bring to him that portion that may be due him, or he is not lawfully notified to move. Now they disagree; the renter says, that he is not lawfully notified, then he shall prove him to be lawfully notified to move by an oath of fourteen men. Now if he swears against and says, that he is not notified to move; or that he gave him the land by contract afterwards, then the county judge shall find out, what truth there is in the case. Now he need not leave the farm before the middle of Lent, because he shall not bring manure from the farm, without being liable to six öre. If he takes away hay, he is liable to three marks. Manure shall follow the farm. He shall not take away the fence, because the landowner shall buy it. He drives away the renter from the farm, then he shall pay an öre for the plowing of the fallow of every eighth. Now he goes away willingly, then he shall not take compensation for the gift, unless he proves by an oath of fourteen men, that he was driven away from the farm. Now they disagree, the landowner and the renter; then the renter has right to prove a year's possession; afterwards he is lawfully separated from the farm. Now the landowner holds back some of his money; the renter brings complaint against him; then prove by an oath, that he had the farm until the appointed day. He fails of the oath, then leave back what the farm has not earned. Now he dismisses him when the first gift is paid; then the friend-gift as well as the handmoney goes back, The handmoney is half earned; then he shall keep it that received it, and pay him an öre for every year that remains. Now hand-money is not half earned, then the renter has right to take back his tax and pay the landowner as many öre as he should have taken.

§2. He shall bring home the rent three nights before the holi-eve or be liable to three öre, or prove by an oath, that he retained it with his permission, or prove that it was lawfully offered. Now they disagree about the rent; then the renter has right to prove that "this was our agreement."

(11) Oint (from uina, with negative) not merited or acquired. What the owner by the rented land had not earned of the tax, when thus the renter was driven from the land before the time was up.

§3. Now renter has left the farm; then he shall bring his houses to his own, all except three, those that have been mentioned. Now he wishes not to buy them, then he shall sue him to a thing and ask the value of them. He is unwilling to pay him, then he may without guilt bring them away, if he does not wish to buy them before the thing and fent; thus it shall be about the fences, except the fence around the yard, it shall follow the farm.

§4. Now either he that paid the rent or he that received it, dies, then the rent is inherited as well as the father's inheritance, until the rent is earned. Now that farm is again for rent, then he is next, who held it first. Now another pays hand-money; that is called unlawful hand-money, that is a three marks' case; he shall leave the farm and the one shall go there, who had it before.

§5. Now one holds a man's land with a year's hand-money for land. As soon as cocks and shocks are in; then he is lawfully separated from the farm, because he is not a lawful renter. Now if it is lawful, then half the land shall be given in the fall to him, who shall take it in the spring.

§6. Now one buys land or rents it before Christmas or Christmas-eve, the renter lives on it; then the other one, that receives it, goes there and takes possession of his land and gives him notice to move away. Now his hand-money is lost; demand back what he gave and offer hand-money for a year's rent to him, who has received the land for he must not make him homeless. Now he does not buy before the renter has carried out his seed-box, then shall the renter sow his seed to completion and pay the rent that is due before Christmas. Now when time for plowing is come; then he shall offer land-owner lawful hand-money. If he will not receive it, then it is the renter's right to prove. that he was not lawfully notified to move. He shall keep it with the year's hand-money; he shall take his neighbor with him and offer it to him at his home; likewise at the thing; then he shall go home and bind the tax to the plow handle and plow over the field and crosswise over another and there offer it to him. He is yet unwilling to receive it; then he shall ~~take~~ the hand-money and put it in the hand of an honorable freeholder; he may then keep the land that year lawfully.

§7. Now one clears land and keeps it as compensation for his work for three years. If he acquires full pay for his work by this, and wishes to leave, he shall have compensation for his houses and keep his fences.

Now he goes away before that time, then he has forfeited his work. Each one has such part in the houses as he had part in the farm, also in the fences.

§8. Now the landowner plows unlawfully a piece of his renter's land and seeds it. He forfeits his seed and the renter takes it. And he is not guilty because he plowed, since that was his own land.

§9. Now another uses unlawfully that land, which another has rented. then shall he, that owns the land, demand the plaintiff's right; pay him (he who used the land) one marks' fine, one mark to the king, one mark to the county. And he (the owner) shall receive the oath, and the renter shall have compensation for the damage.

X.

(12)
IF A FARM IS BUILT ANEW; THEN HE HAS RIGHT TO PROVE, WHO WISHES
TO LOCATE IT ON THE OLD PREMISES.

...

Now a farm is built anew; then the premises shall be agreed upon. Now he has right to prove that will place it on the old premises. Now he wishes to establish it according to lawful survey; that is twenty cubits for every eighth of a lot, and ten cubits for a field of an eighth.

XI.

IF A MAN BUILDS A HOUSE ON WILD LAND, OR FREEHOLDERS GO TO
NEW PREMISES, AND ABOUT A FIELD, HALF FALLOW AND HALF SEEDED.

...

(13)

Now one builds a house on wild land without a real survey. Neighbors do not need to make a road out of their own land.

§1. Now men move from their old premises and take up new ones for themselves; come these and live on it, and wish to have all there. Now one remains on the old premises, then he has right to demand them to come back and not they him to come to them. Now all are gone from the old premises, and all have come to the new; then it is as lawfully established as the old and the old is called field-measure.

§2. Now freeholders disagree about their use of the land; then he has right to prove, who will make it half-fallow.

XII.

OF HOW FREEHOLDERS SHALL HIRE A SERVANT.

...

Now freeholder wishes to hire a servant; promises him hand-money. He works for board and wages. The servant wishes to leave afterwards; pay
(12) ~~porp~~ may also mean a small village.

freeholder so much as he (the freeholder) had promised him. Freeholder wishes to drive him away, then pay him what he has promised him; then the servant goes wherever he wishes.

§1. All those that have lawfully come to their inheritance, they have right to hire out themselves for service. Those who are not thus, and are minors, then shall he, who is their guardian, give the promise. Are they men of age and live with their father, then shall the old man give promise for service.

XIII.

IF SINGLE MEN FIGHT, OR FREEHOLDER WISHES TO BEGIN SEEDING,
AND HOW HALF FENCE SHALL BE MADE.

...

Now if single men contend or fight or commit other deeds, and stand in the service of a man; there lawful prosecution shall be brought against him where he is, even if he runs away; then the lawful prosecution goes against him and not against the freeholder. Now if he is married and has a wife at another place, then lawful prosecution shall be brought about where his wife is and where she has power over both locks and keys.

§1. Now freeholders desire to begin their seeding; then they shall close up the gates and put them on hinges, before the beeding box is carried out. Fences around the premises shall always be in good condition, between Christmas and Candlemass as well as between Midsummer and Olaf's Mass.

§2. Every freeholder shall keep half the fence with another between their lots. Now a house shall not keep half the fence. Now a fence passes over premises that adjoin the land of the ^{village} there shall neighbors keep half of the fence with him that owns the lot. A meadow adjoins a field, then shall each keep half the fence. A pasture lies by the fence, then shall he that owns the pasture not keep half of the field with fence. A pasture lies beside a pasture, then half the fence is not needed; except their cattle go together and horses together with horses; then he must not take in the cattle of another for another.

XIV.

ABOUT WHEN FENCES SHALL BE IN GOOD CONDITION, OR WHICH FENCES
ARE IN GOOD CONDITION, AND HOW THE GATE SHALL OPEN.

..;

Now every fence shall be in good condition before the Ascension Day.

(13) A survey or measurement of land, by which the land of a village was divided between the neighbors.

Is fence not in good condition, pay fine therefor, three öre. Now that fence is in good condition, which holds a man who carries his weapons; and is so high, that a full grown man reaches the ground on the other side with a pole a cubit long. Then shall supporting sticks be placed a step from the fence; the end of the withy-band shall be an inch longer than the fence, as is provided. If swine or sheep go between and are killed; lie without rights. Fence is not made as is provided, and cattle go through and are killed, pay therefor half the value.

§1. Now there is an opening in the fence, pay therefor a fine of three öre. If there are two, pay therefor a fine of six öre; there the king has no three öre's case and no six öre's case. The county judge shall take that and the county judge shall have no six öre's case, except for the inspection of a bridge, or inspection of a fence, and for clearing of roads. Now there are three or more openings in the fence; then pay a three marks' fine. The people and king have no right to it. Or is there a wide opening in the fence, then pay three marks' fine and back again what was lost.

§2. Now one shall open the gate towards the field and not away from it. If it opens otherwise; then pay six öre and the loss. If the gate opens the wrong way, then pay therefor six öre and the loss.

XV.

IF CATTLE TRY TO BREAK INTO A FIELD, OR IF CATTLE ARE KILLED
BY MAN'S HANDIWORK.

...

Now cattle try to break into a man's field and cause damage, run onto a good fence and are killed thereby; lie without rights. Now cattle try to come out and cause damage to the road, run over a good fence and are killed thereby; pay therefor half the value. They run on a poor fence, whether they jump in or out, pay half the value, he that owns the fence.

§1. Now a man's cattle run on another man's handiwork and are thereby killed; another drives them, a man or a man's cattle, then he shall pay the half, or deny it with an oath, that it was not caused to be killed by him or his cattle. Now cattle are killed by man's handiwork and fall. Everything is seen, that cattle that were killed, and the bloody pole, hair and handiwork, then he that owned the cattle, has right to prove by an oath of two men, that it received its death from his handiwork. Everything is not taken together, then he has right to defend his handiworks with a twelfth oath, that it (the animal) received not death from his handiwork. He fails of the oath, pay fine, half of the value.

IF A MAN HAS LAND IN ANOTHER VILLAGE AND WISHES TO LAY WASTE
THE LAND OF ANOTHER THE SAME AS HIS OWN.

...

Now a man owns land in another village and does not wish to sow nor fence around it, and desires to lay waste the land of another the same as his own; then shall freeholders, that live in the village, go to him and sue him, that he may fence it. Now he is unwilling or is so far away that they can not come to him, then they shall go to the thing on ^{the} Saturday that is next after Ascension Day and get judgment against him to fence around his land; then they shall put down poles and fence and without guilt use his meadows and fallow field as pasture, and not cut the grass, and afterwards without guilt take away their fence, and he pay three marks' fine, because he did not want to fence.

XVII.

IF A MAN TETHERS IN THE FIELD OR MEADOW OF ANOTHER MAN, AND
HOW CATTLE SHALL BE APPREHENDED LAWFULLY.

...

Now one tethers in the field or meadow of another with half tether. That is three ðre's fine and pay the loss. He uses full tether, pay six ðre and pay the loss. Now horses get loose, when the grain is headed; pay two bushels for each horse. He drags with him the tether-plug, pay another two bushels as fine. If a horse goes in puttock, pay two bushels therefor. Two are in puttock, pay therefor six bushels.

§1. Now cattle go loose in field, then shall the cattle be shut up. Is it a horse, then it shall be led and not ridden. He that owns it comes and robs the animal taken from him, he is liable to three marks or a twelfth-oath, that he did not rob the taken animal from him. Now one shuts up the cattle of another, then comes he that owns them, and offers a pawn. However large (or little) the pawn is, it shall still be a pawn, because he shall not afterwards deny. Then he shall not keep them in any longer. Now he receives the pawn, then shall their neighbors observe, where they passed through the good fence, pay he that owned the cattle; have they gone through a poor fence, pay he that owned the fence. If he keeps the cattle that are shut up, the other offers to settle, then he is liable to three marks. The neighbors shall appraise the loss. Then shall his

appraisers who shall pay it, have right to prove; pay as much as they wish by an oath of two men, that more was not lost. Now he wishes not to offer any compensation for his cattle; then he shall take his neighbors and go to his house and offer them back to him, and thus at the thing lawfully and leave them in his keeping. Then he shall not defend afterwards, whatever comes up, except for his handiwork. Now he brings complaint that owned the cattle, then prove by an oath of fourteen men that he offered back to him lawfully, and he himself is to blame that he did not redeem it. Now one steals from another cattle that is shut up, pay fine therefor three marks, or deny it with an oath of twelve men.

XVIII.

IF A FREEHOLDER WISHES TO HARVEST A MEADOW, OR DRIVES OVER THE
MEADOW OF ANOTHER.

...

Now a freeholder wishes to harvest his meadow. He desires to haul in the hay; then an uncut field lies in the way. Then he shall mow a road for himself, and bring the hay into cocks and thus cut a way through the field and put it into cocks. Now one drives over field or meadow. One wheel runs over it, pay therefor one öre. The second runs over it, pay therefor two öre; the third runs over it, pay three öre. If all four run over it, pay six öre and the loss. He shall guard the gate, who drives through it last, and close it.

XIX.

IF A MAN TAKES BY MISTAKE, A SHOCK OR A COCK, OR ONE CUTS FROM
THE FIELD OF ANOTHER AND PLACES A BRANCH OF HAZEL BY IT.

...

Now one might take by mistake a shock or a cock; his own are still standing out. He brings complaint, who owns it and says, that his own is taken; then he shall bring back as much as he took and prove with an oath of twelve men, that "I took it because I thought it was mine and not thine."

§1. Now neighbor brings this complaint against neighbor: "Thou hast cut from my field" and places it in security by a hazel branch. Now he brings it in from the hazel branch; that is a six öre's case or an oath of twelve men, that "I did not move it away from the hazel branch." Now one brings it in and gives it back over the threshold; then he is liable to three marks.

OF HOW LONG FREEHOLDER SHALL KEEP A FENCE ABOUT A PROTECTED FIELD.

...

Now freeholder shall keep a fence around a protected field with another until the other one has brought in the crop. Now if another has not harvested, and can not or will not harvest, then shall fence be kept around a field until Martin's Mass and around a meadow until Michael's Mass.

XXI.

IF A MAN BECOMES STUBBORN, AND DOES NOT WISH TO HARVEST, OR ABOUT RECOMPENSE FOR GRAIN CUT ON ANOTHER'S FIELDS, AND OF CUTTING BEYOND THE BOUNDARY.

...

Now one might be stubborn and wishes not to harvest and all neighbors have harvested. Then they shall sue him. The judge shall then find out, whether he does it out of necessity or willfully. Then shall the judge give him plenty time, that he may easily bring in his crop. Now he has not brought it in; then his neighbors shall go to the thing and take judgment to use his unharvested crop without blame. Now the judge denies that judgment; then the case shall be referred to the county jury. If the county jury says, that it denied their judgment, then pay three marks' fine.

§1. All recompense for grain cut on another's field or payment for hay cut on another's meadow, shall be paid before the harvest is brought in. Has he no hay or grain standing out, then he shall take as a loan of those that have any outstanding. Now he pays it out over the threshold, then an oath on mistake will not avail him, but he shall pay a three marks' fine, for whatever it is; whether it be compensation for cutting in field or meadow.

§2. Now freeholder has not harvested, freeholder cuts on another's field, keeps his cattle with dog and herdsman and tends cattle within; is he caught in the act, that is a three marks' case, or deny it with a twelfth-oath, that he did not cut anything unlawfully on his field. Now village cuts on the field of a village or a farm from a farm, have they the same fence together; then the whole village is liable to three marks.

XXII.

OF FALL-PEACE AND SPRING-PEACE AND HOW ONE SHALL SUE THEN.

...

Now fall-peace begins at Olaf's Mass and continues until shocks and

cocks are brought in, and spring-peace from Mid-lent until Pentecost. During these times of peace no one shall sue nor receive an oath, except regarding disputes about land or cases of personal security or one demands his beast of burden in spring, if he has parted with it, or debt in grain for his seed or takes care of his fence. A real thief, he has neither fall-peace nor spring-peace, nor a witch; in all other cases than those now mentioned, if a freeholder molests a freeholder or public prosecutor; then he is liable to three marks.

XXIII.

IF A MAN RIDES DRUNK AND CUTS TO PIECES A MAN'S GATE OR OTHER
PROPERTY BELONGING TO A MAN.

...

Now one rides home on the road drunk and, being very intoxicated, cuts to pieces one gate bar, pay an "örtug's fine therefor. He cuts to pieces another, pay another "öre's fine. He cuts three to pieces; pay a three "öre's fine therefor. He cuts to pieces a cross-piece, pay as much fine for the cross-piece as for all the bars. Then a gate is valued at six "öre. Now one rides on the road, throws gate from its hinges, pay six "öre therefor. Now one cuts to pieces the fence around a man's lot; he is liable to three marks. Now the fence around the lot is down, and those that received the damage, do not bring complaint; there no public prosecutor shall bring suit. Whatever public prosecutor that brings complaint, then pay a three marks' fine for each thing, unless they bring complaint, who received the injury. And if he pays fine to them, then pay fine to the king and not before. One cuts down the fence around an enclosed field, pay six "öre's fine therefor and the damage. One cuts to pieces a locked house, provided with doors; that is a three marks' case and make it equally as good as it was. He cuts to pieces a house, not provided with doors, pay six "öre's fine therefor and make it equally as good as it was before. He cuts to pieces his boat or other implements of his, pay a six "öre's fine therefor and make it equally as good as it was.

XXIV.

IF A MAN KILLS, CUTS, OR STRIKES A MAN'S CATTLE, OR BRINGS
THEM TO A HIDINGPLACE.

...

Now one kills a man's cattle, pay the full value; living animal for a living animal and prove by an oath of twelve men that it was accidental

and not willful, or pay a three marks' fine.

§1. Now one rides to a man's herd or horses, kills them willfully; pay the full value and three marks besides; in the same way for the second and likewise for the third. He kills willfully more than three; then pay a forty marks' fine.

§2. Now one kills a man's poodle dog. Is he, who owned the dog, able to take an oath that it did never bite the leg and it did eat neither soup nor crumbs, then pay six öre's fine. Now one kills a man's shepherd dog, pay therefor two öre. Now one cannot drive the dog away from himself before he kills him with a cubits long stick; lie without rights.

§3. Now one wounds a man's cattle. Is it a horse or mare or ox, and is not useful in work, he that cut, take the wounded and heal it and bring him a sound one for his work. It does not become maimed; then the freeholder takes his own back. It becomes maimed, then he that cut shall have it, and give freeholder a sound one instead.

§4. Now one strikes out the eye of a man's animal accidentally; that is an öre's fine with an oath of twelve men, that it was accidental and not willful. One strikes it out willfully, pay a three marks' fine; he strikes out both, pay the full value and an oath on accident. One strikes willfully, pay a three marks' fine therefor. Now one strikes off the horns that is an öre's fine. He cuts off the tail, that is an öre and an oath on accident. One strikes it off willfully, pay a three marks' fine.

§5. Now a man is accused of that he has killed a man's cattle, then he has right to deny with an oath of twelve men, that he is not guilty of it. He fails of the oath, pay therefor three marks and also the full value of that which he killed.

§6. Now one kills a man's cattle and brings them to a hiding-place; he is called cattle-concealer. He shall deny with two-twelfth-oath or pay six marks' fine.

XXV.

IF A BOAR BITES A HOG OR INJURES CALVES, KIDS, LAMBS, OLD GEESE, YOUNG GEESE, OR PIGS, AND HOW OATHS SHALL BE TAKEN AFTERWARDS.

...

Now a boar bites a hog, the owner shall pay as fine the full value. A boar bites a boar, pay back half the value, because they both fought on equal terms or conditions. A horse bites a mare, pay as fine the full value, because one was stronger than the other. A horse bites a foal to

death; is it a male foal and a pacer, then it is half a mark. Bites it a foal, that is a trotter, that is eight örtugs. Bites it a mare-foal that is a pacer, that is two öre. It bites a mare-foal that is a trotter, pay eight örtugs as fine.

§1. Now a bull gores an ox, pay the full value; an ox gores a cow, pay back the full vale. Now a cow gores a cow, such as fight equally, pay half the value. Now it hurts a man's calves, pay an öre therefor; it hurts a man's kids or lambs, pay an örtug; thus also for old geese.

§2. Now one digs a ditch, cuts away a sod that keeps the geese from the ditch, the young geese fall in and die; lie without rights. Now the sod is not cut away, then the young geese are valued at eight coins; a pig fed with milk, four coins. Now every animal born during summer shall be valued as it is worth in the fall.

§3. Now all those, whose animals have received such injuries, and they wish to prove it by true witnesses, then it shall be proven by two men, that "your animal was the slayer of my animal;" then the other one has right to bring forth as much as he wishes, that "now it is fully presented and fined as the law requires."

XXVI.

IF A MAN TAKES CATTLE THAT ARE KEPT FOR FODDER; LOAN OR CATTLE PLACED IN SECURITY OR A MAN'S HORSE, AND RIDES WITH IT, OR OTHER POSSESSIONS OF HIS.

...

Now one takes hired cattle, or cattle kept for fodder; then is the fodder the rent. He shall then defend it for himself and his handiwork, for hole in the ice, and wolves, and for his carelessness. He shall guard the hole in the ice, who opens it, until it is equally well frozen. Now one takes a loan, then he shall always bring home the loan.

§1. Now one takes cattle that are shut up; it is then stolen from the freeholder; then shall the freeholder pay him that owned the cattle; unless both his own and his, who owned that which was left with him, are stolen, or both are burned. Now one demands and another placed them with him, then they shall be held in sequestration in all lawful fents. This is the highest fent: one year. That long they may keep them without guilt with whom they have been left. Now he that owns them, does not come back within that time, then he may without guilt deliver to him, that demands them. Then he shall go there with a sworn oath, prove that "this is mine

and I have rightly recognized it."

§2. Now one takes a man's horse, rides with it within the county, pay a six öre's fine therefor. He rides the horse (of another) outside of the county, pay therefor three marks. Or he takes his boat or other property of his, without his permission, pay therefor six öre, and an equally good one back as he took.

XXVII.

IF A MAN TAKES THE CANOE OF A MAN, OR A FREEHOLDER HAS A WELL
ON HIS MEADOW, AND PEOPLE OR CATTLE FALL INTO IT.

...

One takes a man's canoe and rows away with it and does not come back before the sun sets; pay a three öre's fine therefor. Now he comes, that owns the boat, and goes after him, calling, and the other is unwilling to return; pay a six öre's fine; that is called taking without permission. Now the owner says that the boat is worse; then shall the other have right to prove it equally good, when it was brought back.

§1. Now a freeholder has a well in his meadow, people or cattle fall into it, and are killed thereby; pay therefor half the value, and all those, that have used the well with him, pay fine; or deny it with a twelfth-oath that he did not use the well.

XXVIII.

IF TWO COUNTIES OR VILLAGES DISPUTE ABOUT LAND-MARKS, AND A
VILLAGE DISPUTES AGAINST THE COMMUNITY.

...

Two counties dispute. One pays tribute to both king and jarl and the other pays tribute only to the king. If they dispute about their land and not about lawful possessions; then shall each one take as he pays tribute. Now there is a disagreement between them; then he takes the two lots that lives the nearest to the sea; that one shall have it, because he pays more tax, and the other a third, because he pays less tax. Now both counties defend it, then shall a jury be appointed of the nearest of the other counties, and they shall settle that dispute.

§1. Now villages are joined together, but each in their county and they dispute about the dividing line, and they offer conflicting oaths; then shall a jury of the adjoining counties be appointed, and there shall then settle the case.

§2. Now there lies an old village founded in olden times and a mound

village from heathen times. It is situated on a common piece of land. Now they dispute about the boundary line. Then one shall stand on the oldest boundary and call, when the day is most deaf, that is between Botolf's Mass and Midsummer. The village shall then own as far as the calling is heard, towards the common land. Now the village has built nearer the common land and acquired lawful title to it; there the village has right to prove, all that which is outside his land and lawful possessions, that is common land. Now the county judge shall divide the common land. The county has built nearer the village and acquired lawful title; then the county has right to defend; all that which lies outside, that is the land of the village.

§3. Now the village and the common land meet in water; then take a nine cubits long boat and fasten the stern of the boat in the reeds and the other end to the deep (water). Then one shall stand in the stern of the boat and hold in his hand a hook-handle and throw it backwards over his shoulder out in the deep. The village shall own as far as he throws and that is common land which is outside.

§4. Now villages dispute about a village founded in heathen times. If they disagree about the terminus, but agree on the boundary-mark, then shall a jury go straight between the boundary-marks, unless they find as much water as turns the wheel of the mill. If they find as much water, then the boundary-marks shall be put in the middle of the stream, unless a work, having lawful title, stands in the way, or a lawfully acquired land. A man works in the woods of another, and takes waste land as pay
(14) for his work, and builds a fence around it, that fence is called a twig-fence and fence of robbery.
(15) That fence becomes rotten and another is built; it rots; that is also a fence of robbery. A third is built or more than three, then it drives away the straight boundary line. Wherever a straight line (between two boundary-marks) ^{and a} lawfully established one (established by lawful possession) meet, then the straight line must give way to the lawful title. Now where man has, in this manner, lawfully acquired it, then he has right to defend it. Now they do not agree about the boundary-mark and either of them has defended it before; then he has right to prove who

(14) Öpzmali, axi-mali, payment for work in woods, really for the use of the ax.

(15) Rans garþær, a fence of robbery. A fence so put up as to take in some of the land belonging to another.

before has defended it. Now if they both defend it at the last fent, then the county jury shall find out, what truth there is in the case. Now if either of them defends it at the last fent, then he has right to prove, who has defended it.

§5. A village is built inside of the possessions of another village, belonging to a military division by the coast or inland, knows its boundary-marks; then it has right to defend what it obtained and not go over the boundary line to the old village. Now it has no boundary-mark and does not belong to a military division by the coast or inland; it has no right to defend more, than it has taken in by fence. It has right to partake with the old village of the common property, timber and rails, building material and roads for cattle, and clear it for rye and turnips, hold it three years and then let it be common pasture, it shall not hold it any longer for field or meadow. An old village wishes to divide a common land, then the new village shall have as great a part in the forest as it pays taxes. A village is bought from the community, then it has no right to defend more than it has taken in by fence and acquired by lawful title.

XXIX.

IF A MAN GOES INTO THE FOREST OF ANOTHER AND TAKES HIS FISH
OR HIS ANIMALS WITHOUT PERMISSION.

...

Now one uses the meadow of another unlawfully. Goes into his forest, breaks off the sticks and cuts from the fences and goes to another man's fishing establishment, makes a heap of twigs in water and fishes unlawfully. That is called breach of possession. That is a fourteen-men-oath that he went there with permission or a two twelfth-oath, that it was not his work. He fails of the oath, pay a three marks' fine. Now he goes there; takes fish with his net or junket, that is a six marks' case. Now one goes into the woods of another man; takes his animals with a net or shoots. That is a six ore's case and bring back the animals.

XXX.

IF A FOREST IS UNDIVIDED, HOW IT SHALL BE CUT OR DIVIDED.

...

Now a forest is not divided between men. All those, that have part in it, have right to cut in it without blame, everything except oak and hazel. Hazel shall be left in peace. One cleans a woodland by fire. He must take care that there is no oak on it. One burns an oak, pay a six

"öre's fine therefor. He burns three, pay a three marks' fine. He burns twenty, pay a forty marks' fine; whether he owns more or less, and whether he cuts less or more. He shall not use the woods for two, for whatever purpose it is, and lend or rent it to others, unless he owns two farms in the village, that have either separate fields ^{and} ~~or~~ meadows and everything lawful part, then he may lend or rent of the forest to one of these farms. If more use it, then they shall pay fine, or prove by oath, that they had permission from him. If he takes an oath against, and denies it with an oath, then shall the county jury find out the truth in the case.

§1. If those that owned it before become envious that he, who has less, is cutting as much as those that owned more; then they shall go thither before Christmas and Christmas-eve and give notice, that the forest is to be divided and place it under security; whoever then cuts afterwards in the forest of whatever is placed under security, pay three marks' fine. Now he shall go there Monday after ^{the} Monday of a lawful thing; that is the one that is seven nights after the second day of Pentecost, and give notice about the forest for division. Now he wishes not to sue, but wants to injure their part; then they shall go to thing and bring complaint and remove by judgment the security of the forest, and then they may cut without guilt. Now he sues and brings action to have the forest divided, then shall, on the third fest, all those who have part in the forest, go there and divide the forest according to the part each one holds in the village, and all shall have the part for the better and all for the worse.

XXXI.

ABOUT HOW IT SHALL BE CUT IN THE WOODS, WHEN DIVISION HAS BEEN MADE.

...

Now one cuts in the woods of another after division has been made; then pay fine therefor, six öre. One goes into a forest of another, cuts oak or an apple tree, fruit-bearing trees, pay therefor six öre. Now in every six öre's case, or other cases, then leave back always first what he took, or equally as good, and the fine besides as compensation. He cuts more than three, pay therefor three marks. Now one cuts as many oaks in another's forest, that he may stand on the stumps and count twenty, pay a forty marks' fine therefor. He cuts a tree that bears no fruit, pay a three öre's fine therefor.

XXXII.

IF FREEHOLDERS DESIRE TO ADD TO THEIR FIELD OR THERE LIES CUT
TREES INSIDE THE FENCE.

...

Now freeholders wish to add to their field from the forest, then he has right to prove, who will take it in for field or meadow, if it is not of great damage to the village; because he has always right to prove, who wishes to build. Now there lies a felling of trees, such as a man wishes to clear away for turnips or rye, in that which they wish to add to the field; or they wish to take in some woods by survey, or they wish to divide the woods for clearing and then shall he that cleared it, have for his work, rye and turnips and a years' crop thereafter. Afterwards he takes, that received it by lot and lawful division.

XXXIII.

IF ONE OWNS THE TREES AND ANOTHER THE LAND.

...

Now one owns the trees and the land in the forest belongs to another. Then this one wishes to cut off the trees and clear his land. Now the other one says, that he wishes to keep his trees and not have them cut; then they shall go to the thing; the county judge shall there appoint a jury. Is the woods on such land out of which one can make a field or meadow, then he has right to prove, who owns the land and wishes to clear it. Now if trees stand on a mountain, that will neither do for field nor meadow, and the other wants to destroy his oak trees or his forest; then he has right to prove, who owns the trees. They shall be judged to remain standing and not be cut down. Now if they stand on such land out of which one may make field or meadow; then shall the one go there, who wants to clear away the forest and cut the trees and clear the land, and offer as much money as the appraisers say the trees are worth. Is he willing to take it, then all is well. Is he not willing to take it, then he shall call a thing, a second and a third, and offer him the value. Now if he is unwilling to take it, then shall a jury be appointed on a third thing and find out whether it is suitable to be cleared or not. Is it suitable to be cleared, then they shall estimate how valuable the forest is, and he shall receive money as payment, who owns the ^{land} forest. Is he unwilling to accept the money then he shall sue him to the fourth thing; he shall then take the money, as much as the appraisers or other jury men wish to esti-

mate, and as the wood is worth, and put it into the hands of two resident men with the condition, that as soon as the other brings complaint, then give him the money. Afterwards he shall take judgment to cut the forest; if he cuts it before, then pay fine as is decreed. If he cuts afterwards and he brings complaint, who owned the woods, then show him where the money is placed in security, and ask him to take them there, and prove that with a fourteen-men-oath, that he cut down that forest by the agreement of the things men, after he had offered him full payment at three things and three fents and a fourth Llonga-thing.

XXXIV.

IF A MAN APPREHENDS ANOTHER IN HIS FOREST, OR A MAN'S SERVANT
RUNS AWAY FROM A MAN.

...

Now a man finds a man in his forest; then he shall not take anything from the freeholder nor from his slave. He shall follow them to the village and leave the load in sequestration, and he shall prove his title; if he can prove his title, he is guiltless; if he cannot prove his title, then leave back the wood and six ðre besides. A man's servant is taken in the forest, then security may be taken from him, because he has no fixed abode. If he can not prove his title to the forest, then leave back the wood and what is decided besides.

§1. Now a man's servant runs away. If he announces lawfully, who has lost him, and offers money besides; he (the servant) is taken at sea or outside the county, he (who captures him) announces it lawfully and brings him back to the owner; then he shall have a mark therefor. One takes an ass or a horse which has gone astray, or an ox, and announces it lawfully; then he has an ðrtug therefor.

XXXV.

(16)

OF A BEE-YARD, AND HOW THE HIVE SHALL BE PLACED.

...

Now one keeps a bee-yard; then he shall not place the vessel nearer the bee-yard than half a mile. One places it as is decided, the other follows his bees from his bee-yard, drive them away so that he does not destroy works or other, ~~or~~ take half each; if he places it nearer than is established, then is the owner of the hive a thief. Be free from fine before him that found it, and he shall pay three marks that placed it there, or deny with an oath of twelve men, that he placed it there.

(16) A vessel in which bees are caught.

§1. One goes to get bees (a swarm) with agreement of the owners of the forest, then he has half with all those that own the forest. Now he goes to get them without agreement, places a bee-stock and stake, goes with a honeyed bee-hive and a vessel, runs hither and thither, that is a six öre's case. Now he goes to inspect fences and finds bees, then he shall mark the trees in which the bees are, announce it to all those that own the forest, then he has a third of the bees.

XXXVI.

ABOUT BEAVER HAS HIS DWELLING PLACES, AND HOW ONE SHALL
HUNT ELKS AND HE HAS THE FOX THAT DRIVES HIM UP.

...

Now beaver has his dwelling places the same as freeholder. Whoever kills beaver and breaks his dwelling, leave back the beaver to him that owns the meadow and three marks besides. He takes the beaver on a common land, have the beaver and be guiltless.

§1. All have right to hunt the bear, because he is dangerous; all that come to the general hunting, while he moves a foot, they have a part of the bear.

§2. Now men hunt elks; they drive up an animal and find the trail and go after it. Now they lose the trail. No one shall go on their trail before three nights have passed. Now one pursues and kills an animal, they come also, who have driven up the animal; then they have the animal, who have driven it up. Now they have lost the trail, who drove it up and go out three nights; others come and kill the animal, then they own the animal, who have killed it, and they lose it, who did not wish to take care of the trail.

§3. One takes part in a general hunt and shoots an animal; then he shall have the shoulder and half of hindquarter. Now men go after the animals and other men's dogs follow, then the dogs have half of a man's portion.

§4. Now every freeholder shall have three fathoms wolf netting; if he has no netting, then pay three öre's fine. Then two men of every parish shall be taken; those that shall cut up a message-stick; if a freeholder comes not from every house, then pay three marks' fine. The men, who are appointed, shall bring on prosecution for the money and they take a third of that money, and those that shall follow take two parts. Now freeholder says, that he has not received notice of a general hunt, or he had hindrance; then prove with an oath of two men, and he himself the third, that he had

lawful hindrance, or that he received neither message nor message-stick. He partakes in the general hunt and does not obey order, pay an öre's fine therefor; or defend himself with the same oath that is established. Now a deer may come in a net during a hunt for wolves; lie without rights. One puts out a net when there is no general hunt for wolves and kills deer, pay a fine of three marks.

§5. Now he has the fox who drives him up; the hare, he that takes him with the hands. Now freeholder shall not take deer, without becoming liable to three marks, because it is the king's animal.

XXXVII.

IF A MAN FINDS ANYTHING OUTSIDE OF FENCE AND FENCE POSTS, OR
BOTTOM-FIND OR WRECKAGE FROM THE SEA.

...

Now one finds gold or silver outside of the fence or gate-posts; announces it lawfully to the neighbors at church and thing, or he finds other things; then he shall tell what he has found. Now a man comes and recognizes that "such is lost by me;" then he goes there with a true sign of recognition and the oath of two men, that "that is mine and I have x rightly recognized it;" then takes he a third, that found it, and two parts, he that owned it. Comes no one within a year with a true sign of recognition, who dares go forth, then shall the king take two lots and the third, he that found it. Now one travels on a road and loses his garment or other of his property. He returns back before announcement is given and he meets him that has found it; then he need not give back a part of the goods found.

§1. Now men travel on a road, they find something, all those that have passed by, then they have no part of the findings; all those that are behind it, they have part of the findings with those that found it.

§2. Now one finds a bottom-find and announces it lawfully, then he has half of the finding. Comes no one that recognizes it, then the king takes half with him. One finds a wreckage in the water, gives lawful announcement thereof, then he is entitled to take his third thereof. Comes no one who recognizes it, then the king takes two parts of it.

XXXVIII.

IF ONE CALLS A WOMAN A WITCH, OR ONE GIVES A MAN A NICKNAME.

...

Now one calls a woman a witch, that is a nickname except at an appointed thing. One gives another a nickname, calls him a witch, or thief,

or slave, except at an appointed thing; that is a nickname. Then deny it with an oath of twelve men, that he did not call him by a nickname, or pay three marks' fine.

XXXIX.

IF ONE GIVES SECURITY FOR ANOTHER FOR ~~M~~ONEY AND HOW ONE SHALL
BRING AN ACTION FOR IT.

...

Now one goes security for another for money or any other property; then he shall pay what he went security for, or deny that he ever went security in the case, or pay it and prove "that for this did I go security and for nothing else," or pay all that he went in security for. Now if he acknowledges that he did go security, then shall he, who accepted the security, demand it from the bondsman, and the bondsman shall sue him, who asked him to go security. If he wishes to deny, that he ever did ask him to go security in that, then the bondsman shall never the less pay all that he acknowledges, that he went security for him. Now if he wishes to prove everything paid and satisfied, then he shall prove with an oath "all that I asked of you in security, that is all paid and satisfied, which you yourself acknowledged."

§1. Now he does not wish either to deny or prove it paid, then he shall call three things for the bondsman and sit in ^{three} ~~the~~ fents, and the one, who went security, shall sue him who asked him to go security. Now within Småland, the bondsman shall pay what he went security for at the third femt. If he does not pay it, then the case goes against him at all the things and fents. Now if the bondsman pays it at the third femt, then the case goes against him who asked him to go security, unless he wishes to pay it or deny it as was said before. Now if it is in Östergötland, that a Lionga-thing is called, then the bondsmen shall call each thing as he should, to whom he is a bondsman. Then he shall sue him who asked him to go security at three things and three fents and afterwards a Lionga-thing; then he (the creditor) shall bring oath against the bondsman, that he has lawfully called a Lionga-thing and the bondsman, him who asked him for security. Is he (the debtor) willing to do right according to law as is established, then all is well. Is he not willing, then shall a Lionga-thing's femt be appointed at his home. Is he still unwilling to do right, then shall the bondsman pay him, whom he gave security to; until then he may hold it without blame. Everything lost by a lawful prosecution, shall

go against him, that requested security.

§2. Now if one wishes to prove a forty marks' case settled and fined, he shall prove it with three fourteen-men-oaths. ~~If~~ he wishes to prove a six marks' case settled and fined, he shall prove it with two fourteen-men-oaths. If he wishes to prove a smaller case than six marks settled and fined, he shall prove it with a fourteen-men-oath.

IF A MAN PLACES HIS WOODS UNDER THE PROTECTION OF THE LAW AND
AFTERWARDS LETS HIS SWINE INTO IT.

...

Now men place their woods under protection of the laws and divide it for swine. Now one of them cannot get swine into his forest, and they drive them there, as is lawful, in their woods; there the swine may eat his acorns without damage. Now one drives more swine there than is lawful, he has by driving forfeited his swine and those, that own the woods, divide the swine. Now the swine of another man run in another man's forest, which is divided, then they shall be shut up. A full grown swine goes in another man's forest eating the acorns fallen on the ground, a day and night, pay therefor two and a half bushels of barley.

§1. Now one passes on the rightful way through acorn wood or grove of nut trees, takes in his hat to the hat-band or in his mitt to the thumb, he is guiltless; he takes more, pay therefor six ["]ore or deny with an oath of twelve men.

XLII.

IF A MAN KEEPS HIS SWINE IN THE FOREST OF ANOTHER.

...

One keeps his swine in the forest of another man, tends them with dog and herdsman; that is a twelfth-oath, that he did not tend them on his forest. He fails of the oath, pay therefor a three marks' fine.

XLIII.

IF A MAN PUSHES A SHIP FROM ITS MOORINGS, OR BREAKS THE BOAT-
LOCK AND TAKES THE CANOE OF ANOTHER WITHOUT PERMISSION.

...

Now one pushes a forty seated vessel from its moorings without his will, who owns it, and goes out from the land with it. Comes he who brings complaint, then it is a three twelfth-oath. He fails of the oath, pay a forty marks' fine.

§1. One cuts or breaks a boat from the lock. Comes he that brings complaint, that is an oath of twelve men. He fails of the oath, pay a three marks' fine. Now one takes a man's canoe, comes back before the sun sets, he is guiltless. He does not come back before the sun sets, pay therefor three ["]ore. Now he rows off with the canoe, the owner comes and follows him (with) calling. He that rows the boat looks back and does not want to

return. That is a case of robbery. That is six ["]ore or a twelfth-oath.

XLIV.

ABOUT THAT HE SHALL TEND TO THE FIRE WHO KINDLES IT, AND HOW
CONTRIBUTION BY FIRE IS DECLARED.

...

Now freeholder shall tend to that fire which he kindles, until it is quenched. Now fire breaks out accidentally and burns down a man's forest or fence. That is three marks and the oath of twelve men, that it happened accidentally and not willfully. Now fire breaks loose in a man's neighborhood and burns houses. He that causes it shall pay a three marks' fine or deny with a twelfth-oath, that he got no injury from the fire which he kindled.

§1. Now he who received the injury, has power to take three marks from him, who was the cause of the fire. The freeholder takes them alone, or he wishes to go to the thing and receive judgment; the subsidy on account ^{of} the loss of fire ~~by~~ the county, that is one and one-quarter bushels of barley from each freeholder, or four pieces of money. And if a dwelling house and grainery burn, take the whole subsidy for the loss of fire. If either of them burns, take half. Whoever keeps the subsidy by loss of fire after it is settled by the county judge and the appointed day that is out, that which be said, then pay a three ["]ore's fine according to custom, whether it be a fourth of a county or a third of a county or a whole county, or half of a county, take each of the contribution by loss of fire, as he sustained loss.

XLV.

IF A MAN BUYS A COLT OR A CALF, HORSE OR COW, THEY BRING FORTH
AND COMPLAINT IS BROUGHT AFTERWARDS AGAINST THEM THAT RECEIVED THEM.

...

Now one buys colt or calf and are brought up and complaint is brought afterwards, pay the value, and he owns it who has brought it up. Now one buys horse or cow, whatever it is, and they have young and complaint is made of these animals which he bought, then shall he have the offspring that has raised it, because no one shall bring up calves for another man, and he shall redeem, who has rightly recognized it.

XLVI.

IF MEN EXCHANGE GIFTS AND COMPLAIN AFTERWARDS TO THEM THAT
RECEIVED THEM.

...

Now men give gifts to each other. Complaint is made to him, that has received them, and the other considers it to be stolen from him; then he shall prove with an oath of two men and twelve after, that it was given him and he has not stolen it; nevertheless one shall admit that there was no negotiator present. Now he that gave brings complaint, and does not consider it given or it was not rewarded. If he has possession of it that received it, then he has right to prove, who received it, with an oath, that it was given to him and he rewarded it.

XLVII.

IF A MAN USES THE LAND OF ANOTHER AFTER HE IS JUDGED BY THE JURY,
THAT IS A FORTY MARKS' CASE.

...

Now one uses the land of another man unlawfully and he brings complaint, who owns the land; leave back the land with three marks. Now he holds it during three things and three fents; then he is liable to three marks. Now the jury convicts him and lawful judgment is passed upon him and he uses the land afterwards, then that is a real land robbery and forty marks' fine.

XLVIII.

IF A MAN CONFIRMS AN OATH AND WISHES TO PROVE THE CASE FINED.

...

Now one promises an oath and wishes to prove a case fined. Redeem an oath with an oath and not one with two, unless he, that shall receive it, wishes.

XLIX.

IF A MAN TAKES A MAN'S HARROW OR TOOTH OF A HARROW.

...

Now one takes the harrow of another man and harrows^{with} it in the day-time, bring it back before sunset and be guiltless. He takes away the harrow-tooth, pay therefor four pieces of money; he takes away eight, pay so much for each one. He takes out the ninth, pay therefor nine örtugs. He brings the harrow over a seeded field, then he shall have a harrow-sled. If he has no harrow-sled, then pay as fine the damage and six öre besides.

L.

IF A MAN'S DOG BECOMES MAD.

...

A man's dog becomes mad, then shall he that owns the mad dog give notice thereof. If he bites people or cattle before lawful notice is given, the freeholder shall pay that. If he bites after lawful notice is given, that the freeholder shall not pay for.

LI.

IF A MAN'S BITCH BEGETS YOUNG ONES.

...

Now a man's bitch gets in heat and dogs run after her; then shall freeholder close her in nine nights and the dogs also. If the dog bite before he has lawfully closed in, that shall the freeholder pay, who owns the bitch; if they bite afterwards, then shall they pay, who own the dogs. Now each one remember his part in the law. Now your laws are finished and declared, with dog and harrow-tooth; begins with the highest and closes with the lowest.